UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AL-12-002-0369

DEC 14 2012

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to support the charter renewal of the National Drinking Water Advisory Council in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The National Drinking Water Advisory Council is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina J. Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

NATIONAL DRINKING WATER ADVISORY COUNCIL

1. Committee's Official Designation (Title):

National Drinking Water Advisory Council

2. Authority:

This charter renews the National Drinking Water Advisory Council (NDWAC or Council) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2. NDWAC is in the public interest and supports EPA in performing its duties and responsibilities. The Council was created by Congress on December 16, 1974, as part of the Safe Drinking Water Act of 1974, P.L. 93-523, 42 U.S.C. § 300j-5.

3. Objectives and Scope of Activities:

NDWAC will provide advice, information, and recommendations on matters related to activities, functions, policies, and regulations of the Environmental Protection Agency (EPA or Agency) under the Safe Drinking Water Act, including:

a. Providing practical and independent advice on matters and policies related to drinking water quality and public health protection.

b. Maintaining an awareness of developing issues and problems in the drinking water area and advising EPA on emerging issues.

c. Advising on regulations and guidance as required by the Safe Drinking Water Act.

d. Recommending policies with respect to the promulgation of drinking water standards.

e. Recommending special studies and research.

f. Assisting in identifying emerging environmental or health problems related to potentially hazardous constituents in drinking water.

g. Proposing actions to encourage cooperation and communication between EPA and other governmental agencies, interest groups, the general public, and technical associations and organizations on drinking water quality.

h. Analyzing sustainable infrastructure issues with special emphasis on the security of the nation's drinking water systems.

4. Description of Committees Duties:

The duties of NDWAC are to provide advice to EPA.

5. Official(s) to Whom the Committee Reports:

The NDWAC will report its advice and recommendations to the EPA Administrator.

6. Agency Responsible for Providing the Necessary Support:

EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Office of Water.

7. Estimated Annual Operating Costs and Work Years:

The estimated annual operating cost of NDWAC is $252,000 which includes approximately 1.0 person-years of support.

8. Designated Federal Officer:

A full-time or permanent part-time employee of EPA will be appointed as the DFO. The DFO or a designee will be present at all of the advisory committee's and subcommittee meetings. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so and will chair meetings when directed to do so by the official to whom the committee reports.

9. Estimated Number and Frequency of Meetings:

NDWAC expects to meet two (2) times a year. Meetings are expected to occur approximately once every six (6) months or as needed and approved by the Designated Federal Officer (DFO). As required by the Safe Drinking Water Act, EPA will pay members' travel and per diem expenses when members are "away from their homes or regular places of business in the performance of services for the Council." 42 U.S.C. § 300j-5(c).

As required by FACA, the Council will hold open meetings unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of the Government in the Sunshine Act, 5 U.S.C. § 552b. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the NDWAC.

10. Duration and Termination:

As provided in the Safe Drinking Water Act, "section 14(a) of the Federal Advisory Committee Act (relating to termination) shall not apply to the Council." 42 U.S.C. § 300j-5(d). However, the Charter is subject to the renewal process upon the expiration of each successive two-year period following the date of enactment of the Act establishing this Council.

11. Member Composition:

NDWAC will be composed of fifteen (15) members who will serve as Special Government Employees (SGE). Members will be appointed by EPA's Administrator after consultation with the Secretary of the Department of Health and Human Services. As required by the Safe Drinking Water Act, five (5) members will be appointed from appropriate State and local agencies concerned with public water supply and public health protection; five (5) members will be appointed from private organizations or groups demonstrating an active interest in the field of water hygiene and public water supply, of which two (2) members will represent small, rural public water systems; and five (5) members will be appointed from the general public. 42 U.S.C. § 300j-5(a). .

In addition, up to five (5) Federal employees will be appointed as technical advisors to the Council. The technical advisors may include individuals representing the EPA's Science Advisory Board (SAB), the Centers for Disease Control and Prevention's (CDC) National Center for Environmental Health and National Center for Infectious Diseases, and such additional Federal officials as the EPA deems necessary for the NDWAC to carry out its function. Technical advisors may participate in Council discussions, but not Council deliberations.

12. Subgroups:

EPA, or NDWAC with EPA's approval, may form NDWAC subcommittees or working groups for any purpose consistent with this charter. Such subcommittees or working groups may not work independently of the chartered committee and must report their recommendations and advice to the entire Council for full deliberation and discussion. Subcommittees or working groups have no authority to make decisions on behalf of the chartered Council and they cannot report directly to the Agency.

13. **Recordkeeping:**

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with NARA General Records Schedule 26, Section 2 and EPA Records Schedule 181 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, these records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act.

DEC 11 2012

Agency Approval Date

DEC 14 2012

Date Filed with Congress

AL-12-001-7918
NO

Congress of the United States
Washington, DC 20515

October 18, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

The Navajo Nation Reservation, comprising approximately 27,000 acres in Arizona, New Mexico, and Utah, was heavily mined for uranium to support development of the atomic bomb and subsequent Cold War nuclear weapons production. Although the last operating mines on the Navajo Nation closed in the mid-1980's, mining activities on the Reservation left behind hundreds of abandoned uranium mines, inactive milling sites, former dump sites, contaminated groundwater, and structures that contain elevated levels of radiation. These sites pose environmental and public health risks to the Navajo community. In 2008, in response to a request by Congress, five federal agencies, including the Environmental Protection Agency (EPA), developed a coordinated approach known as the Five-Year Plan, which outlined a strategy to begin to address and remediate the uranium contamination in and around the Navajo nation. As the timeframe for this original Five-Year Plan nears completion at the end of 2012, we request that you provide us with a written update on the work performed pursuant to this plan.

At the request of the U.S. House Committee on Oversight and Government Reform in October 2007, EPA, along with the Bureau of Indian Affairs (BIA), the Nuclear Regulatory Commission (NRC), the Department of Energy (DOE), and the Indian Health Service (IHS) developed the federal government's first coordinated plan that detailed the uranium contamination cleanup efforts in and around the Navajo Nation through 2012. Periodic briefings provided by the agencies indicate that, since the initiation of this plan, significant progress has been made in addressing some of the most urgent risks on the reservation, including uranium-contaminated water sources and radioactive structures. The federal and Navajo Nation agencies also have engaged in aggressive public outreach efforts to inform residents of the dangers associated with uranium contamination and have developed a study to identify the impacts of uranium exposure on the development of children in this community. However, due to the widespread damage inflicted on Navajo lands, a tremendous amount of work remains to be done. We believe that a second Five-Year Plan will be necessary to continue this enormous task.

To help us better understand the status of the cleanup efforts and to inform future efforts, we request that your agency, together with the other federal agencies involved, prepare a report by January 1, 2013, detailing the efforts taken over the last five years to

address uranium contamination on Navajo and Hopi lands. We are making a similar request to each of the other agencies responsible for the original Five-Year Plan. In responding to this request, please work with the other federal agencies to ensure that the report is coordinated and complete. The report should at a minimum include:

1. The extent to which the federal agencies have been successful and effective in accomplishing the cleanup and assessment milestones established in the Five-Year Plan.

2. A description of the results of the assessment and characterization efforts, including a discussion of changes to the initial understanding of the scope of the contamination problems over the past five years.

3. A discussion on how effective the collaboration among the federal and other agencies involved has been, and any ways collaboration and information sharing could be further improved during implementation of the next five-year plan.

4. A preliminary discussion of the remaining immediate and longer-term steps that need to be taken to address the uranium contamination in and around the Navajo Nation.

5. A discussion of whether past allocated resources were sufficient to accomplish the milestones outlined in the Five-Year Plan and anticipated future funding needs for additional remediation and public health efforts. Please include a discussion of the role of non-appropriated funds, such as those from Potentially Responsible Parties, during the first five years and for future efforts.

If you have any questions regarding this request please contact Dr. Avenel Joseph or Cristian Ion of the Natural Resources Committee Democratic Staff at (202) 225-6065 or Jeff Baran of the Energy and Commerce Democratic staff at (202) 225-4407.

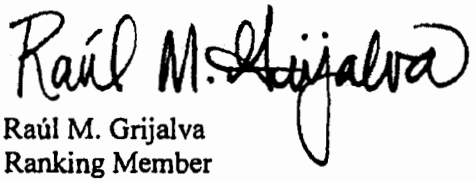
Sincerely,

Edward J. Markey
Ranking Member
Natural Resources Committee

Henry A. Waxman
Ranking Member
Energy and Commerce

Ben Ray Lujan
Ranking Member
Subcommittee on Indian and Alaska Native Affairs

Frank Pallone
Ranking Member
Subcommittee on Health



Raúl M. Grijalva
Ranking Member
Subcommittee on National Parks, Forests
and Public Lands

Martin Heinrich
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AL-12-000-2896

FEB 17 2012

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to renew the charter of the Farm, Ranch, and Rural Communities Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The Farm, Ranch, and Rural Communities Advisory Committee is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The committee will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App.2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Clara Jones in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701 or jones.clara@epa.gov.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

Farm, Ranch, and Rural Communities Advisory Committee

1. Committee's Official Designation (Title):

Farm, Ranch, and Rural Communities Advisory Committee

2. Authority:

This charter renews the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The FRRCC is in the public interest and supports EPA in performing its duties and responsibilities.

3. Objectives and Scope of Activities:

The FRRCC is a policy-oriented committee that will provide policy advice, information, and recommendations to the Administrator on a range of environmental issues and policies that are of importance to agriculture and rural communities.

It is intended that the members of the committee will address specific topics of unique relevance to agriculture as identified by the Agricultural Counselor to the Administrator, in such a way as to provide thoughtful advice and useful insights to the Agency as it crafts environmental policies and programs that affect and engage agriculture and rural communities.

4. Description of Committee's Duties:

The duties of the FRRCC are solely to provide advice to EPA.

5. Official(s) to Whom the Committee Reports:

The FRRCC will report its policy advice and recommendations to the EPA Administrator through the Agricultural Counselor.

6. Agency Responsible for Providing the Necessary Support:

EPA's Office of Federal Advisory Committee Management and Outreach, Office of the Administrator will be responsible for financial and administrative support.

7. Estimated Annual Operating Costs and Person-Years:

The estimated annual operating cost of the FRRCC is $500,000 which includes 2.0 person-years of support.

8. Designated Federal Officer:

A full-time or permanent part-time employee of EPA will be appointed as the DFO. The DFO or a designee will be present at all of the meetings of the advisory committee and subcommittees. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

9. Estimated Number and Frequency of Meetings:

FRRCC expects to meet approximately two (2) times a year. Meetings may occur approximately once every six (6) months or as needed and approved by the Designated Federal Officer (DFO). Meetings will generally be held in Washington, DC. EPA may pay travel and per diem expenses when determined necessary and appropriate.

As required by FACA, the FRRCC will hold open meetings unless the Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of section 552b of title 5, United States Code. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the FRRCC.

10. Duration and Termination:

The FRRCC will be examined annually and will exist until the EPA determines that the Committee is no longer needed. This charter will be in effect for two years from the date it is filed with Congress. After this two year period, the charter may be renewed as authorized in accordance with Section 14 of FACA.

11. Member Composition:

The FRRCC will be composed of approximately twenty-five (25) members who will serve as Representative members of non-federal interests, Regular Government Employees (RGEs), or Special Government Employees (SGEs). Members are selected to represent the points of view held by specific organizations, associations, or classes of individuals. Individuals who are actively engaged in farming or ranching will be encouraged to apply. In selecting members, EPA will consider candidates from academia, industry (*e.g.*, farm groups and allied industries), non-governmental organizations, and state, local, and tribal governments.

12. **Subgroups:**

EPA, or the FRRCC with EPA's approval, may form subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered Committee and must report their recommendations and advice to the chartered Committee for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the EPA.

13. **Recordkeeping:**

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with NARA General Records Schedule 26, Section 2 and EPA Records Schedule 181 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, these records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act.

January 24, 2012
Agency Approval Date

February 3, 2012
GSA Consultation Date

FEB 17 2012
Date Filed with Congress

Congress of the United States
Washington, DC 20515

AL-11-001-2807

July 29, 2011

Lisa Jackson
Administrator
Environmental Protection Agency
USEPA Ariel Rios Building (AR)
1200 Pennsylvania Avenue N.W.
Washington, DC 20004

Dear Administrator Jackson:

The Clean Water Act (CWA) is one of our nation's greatest environmental laws, safeguarding our rivers, lakes, and streams and protecting the health and safety of our drinking water. Under your leadership, the Environmental Protection Agency (EPA) has taken significant actions to improve the safety of our drinking water, and we encourage you to continue to protect our waterways. In particular, we support agency actions to clarify the jurisdiction of the EPA and the U.S. Army Corps of Engineers under the Clean Water Act.

Almost a half century ago, the United States passed bipartisan legislation, the Clean Water Act, to protect our nation's waterways. This legislation came on the heels of several rivers catching on fire, including the Cuyahoga River in 1969. In 1977, this statute was strengthened, and the United States again demonstrated its commitment to clean drinking water.

There is no right more basic than the right to safe drinking water, and that right depends on unpolluted source waters. The Clean Water Act protects our water from heavy metals such as arsenic and lead, dangerous pathogens like E. coli, and other toxins. Clean drinking water is basic to our very survival.

Not only is clean water important to public health, but it is also vital to our economy and to our heritage. From the Great Lakes to the Chesapeake Bay, and from the Yellowstone River to the Mississippi River, our waterways support fishing, sightseeing, and tourism. Wetlands serve as flood control, protecting inland communities from damage. The cumulative economic value of our waters is stunning. According to the United Nations Educational Science and Cultural Organization, lakes and rivers have an annual economic value of $19,580 per hectare. The Great Lakes fisheries alone generate approximately $7 billion in economic activity annually. Nationally, the commercial fishing industry generates more than $100 billion in sales and supports more than 1.5 million jobs.

A strong Clean Water Act has moved us beyond the days of rivers on fire. However, there is still more to be done. Indeed, state and EPA data reveal that 44 percent of assessed river and stream miles and 64 percent of assessed lake acres do not meet relevant water quality standards.

We cannot sacrifice our waterways and our drinking water.

Unfortunately, two recent Supreme Court decisions (*SWANCC v. U.S. Army Corps of Engineers* and *Rapanos v. U.S.*) and subsequent administration guidance threaten protections for millions of acres of wetlands and streams. These Supreme Court cases, combined with previous administration guidance, potentially narrow the interpretation of the Clean Water Act by jeopardizing protections for intermittent and seasonal streams and certain wetlands across the country. These types of streams comprise up to 60 percent of streams in the U.S., and feed the drinking water supplies of 117 million Americans.

In April 2011, the EPA issued guidance in order to clarify the jurisdiction of the US EPA and the US Army Corps, and extend the protections of the CWA to smaller headways and waterways. This guidance, consistent with the Supreme Court decisions, will help us to move forward in protecting the waterways that serve the drinking water for over 117 million Americans.

We appreciate the recent work of the EPA to clarify the requirements of the Clean Water Act, and we look forward to working with you to protect our nation's waterways.

Sincerely,

Louise M. Slaughter
MEMBER OF CONGRESS

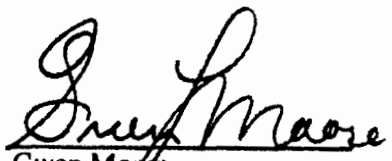
James P. Moran
MEMBER OF CONGRESS

John P. Sarbanes
MEMBER OF CONGRESS

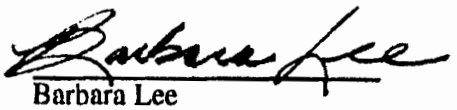
Donna F. Edwards
MEMBER OF CONGRESS

Gerald E. Connolly
MEMBER OF CONGRESS

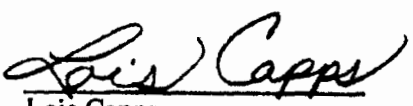
Jim McDermott
MEMBER OF CONGRESS



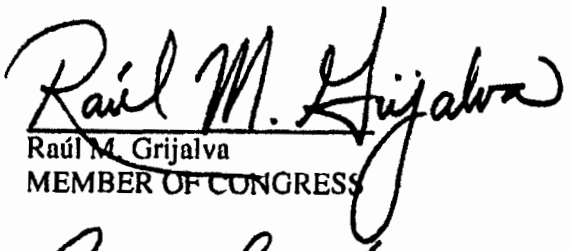
Gwen Moore
MEMBER OF CONGRESS



Barbara Lee
MEMBER OF CONGRESS

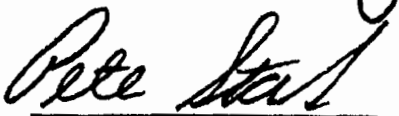


Lois Capps
MEMBER OF CONGRESS

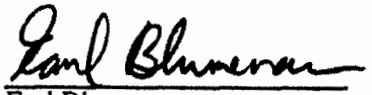


Raúl M. Grijalva
MEMBER OF CONGRESS

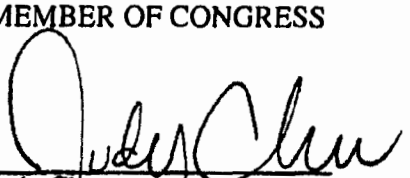
Dennis J. Kucinich
MEMBER OF CONGRESS



Fortney Pete Stark
MEMBER OF CONGRESS

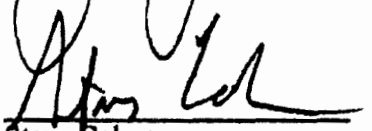


Earl Blumenauer
MEMBER OF CONGRESS

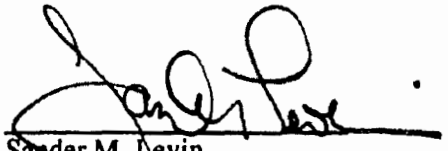


Judy Chu
MEMBER OF CONGRESS

Chellie Pingree
MEMBER OF CONGRESS

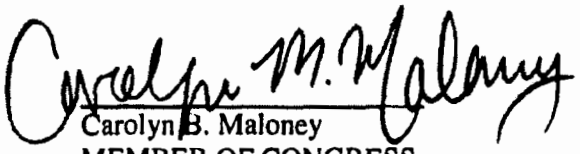


Steve Cohen
MEMBER OF CONGRESS



Sander M. Levin
MEMBER OF CONGRESS

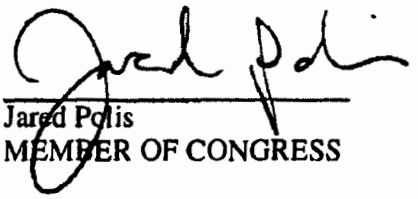
Peter A. DeFazio
MEMBER OF CONGRESS



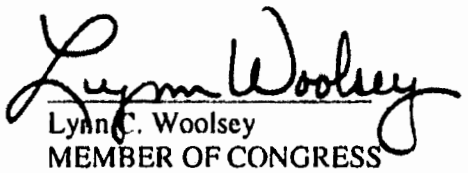
Carolyn B. Maloney
MEMBER OF CONGRESS

Steven R. Rothman
MEMBER OF CONGRESS

Keith Ellison
MEMBER OF CONGRESS

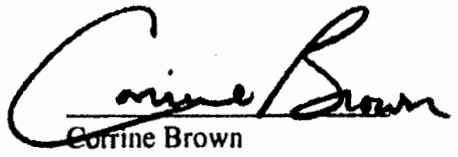


Jared Polis
MEMBER OF CONGRESS

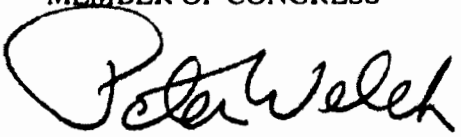


Lynn C. Woolsey
MEMBER OF CONGRESS

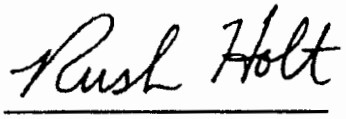
Maxine Waters
MEMBER OF CONGRESS



Corrine Brown
MEMBER OF CONGRESS

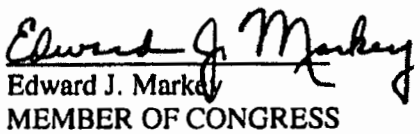


Peter Welch
MEMBER OF CONGRESS

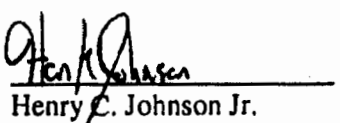


Rush D. Holt
MEMBER OF CONGRESS

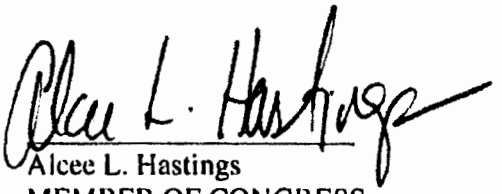
Emanuel Cleaver
MEMBER OF CONGRESS



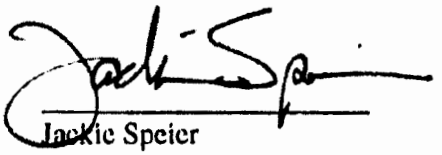
Edward J. Markey
MEMBER OF CONGRESS



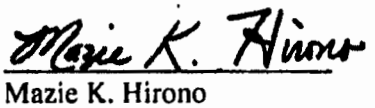
Henry C. Johnson Jr.
MEMBER OF CONGRESS



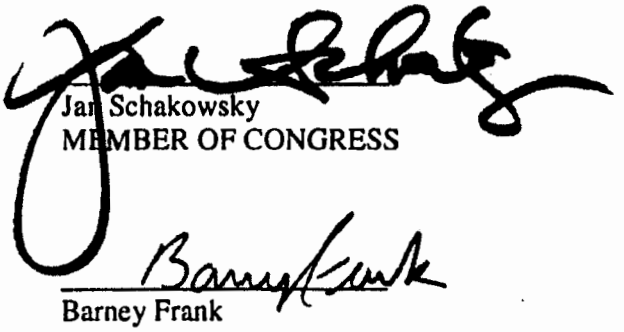
Alcee L. Hastings
MEMBER OF CONGRESS



Jackie Speier
MEMBER OF CONGRESS

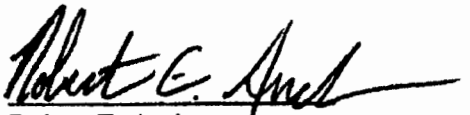


Mazie K. Hirono
MEMBER OF CONGRESS

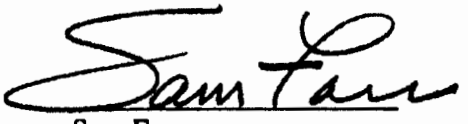


Jan Schakowsky
MEMBER OF CONGRESS

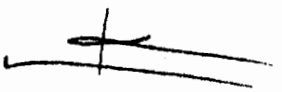
Barney Frank
MEMBER OF CONGRESS



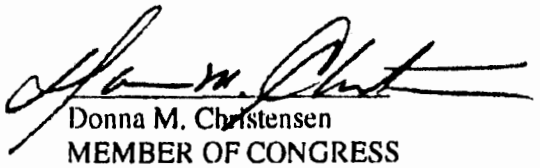
Robert E. Andrews
MEMBER OF CONGRESS



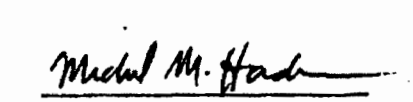
Sam Farr
MEMBER OF CONGRESS



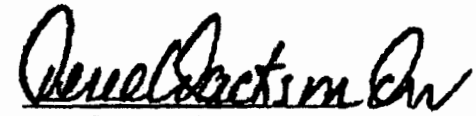
Colleen W. Hanabusa
MEMBER OF CONGRESS



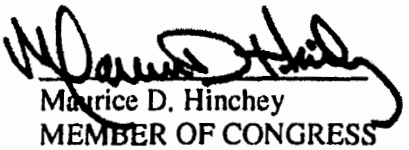
Donna M. Christensen
MEMBER OF CONGRESS



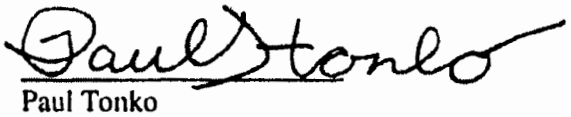
Michael M. Honda
MEMBER OF CONGRESS



Jesse Jackson Jr.
MEMBER OF CONGRESS

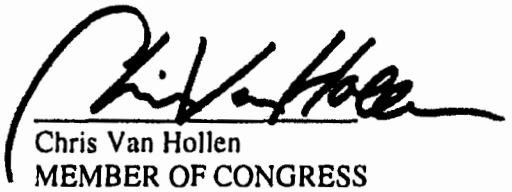


Maurice D. Hinchey
MEMBER OF CONGRESS

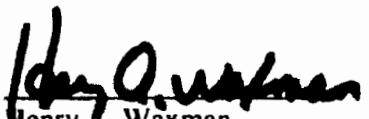


Paul Tonko
MEMBER OF CONGRESS

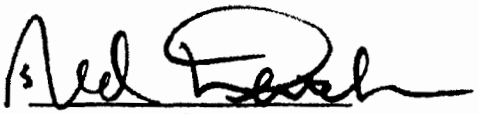
Elijah E. Cummings
MEMBER OF CONGRESS



Chris Van Hollen
MEMBER OF CONGRESS

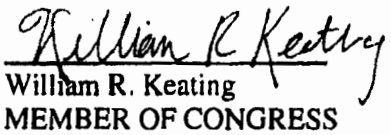


Henry A. Waxman
MEMBER OF CONGRESS

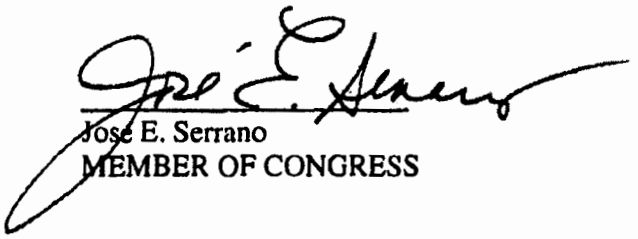


Theodore E. Deutch
MEMBER OF CONGRESS

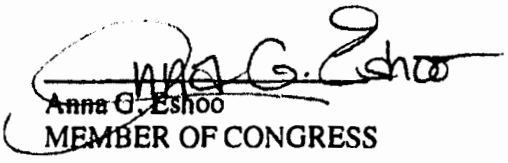
Howard L. Berman
MEMBER OF CONGRESS



William R. Keating
MEMBER OF CONGRESS

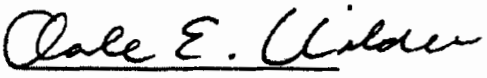


Jose E. Serrano
MEMBER OF CONGRESS

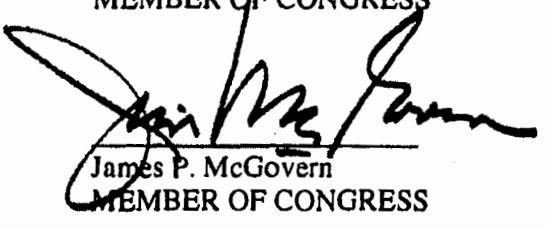


Anna G. Eshoo
MEMBER OF CONGRESS

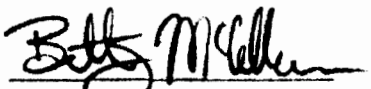
Niki Tsongas
MEMBER OF CONGRESS



Dale E. Kildee
MEMBER OF CONGRESS



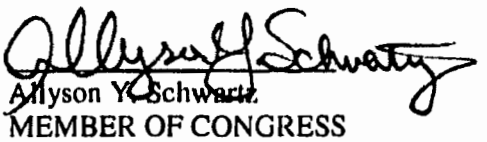
James P. McGovern
MEMBER OF CONGRESS



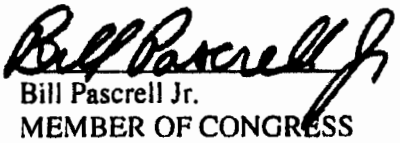
Betty McCollum
MEMBER OF CONGRESS

John Garamendi
MEMBER OF CONGRESS

Luis V. Gutierrez
MEMBER OF CONGRESS

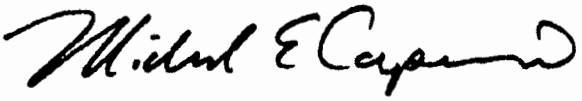


Allyson Y. Schwartz
MEMBER OF CONGRESS

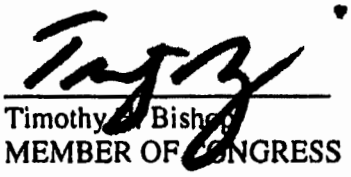


Bill Pascrell Jr.
MEMBER OF CONGRESS

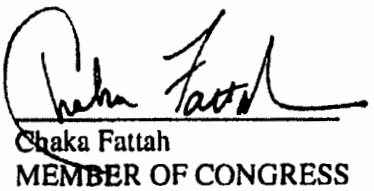
Gary L. Ackerman
MEMBER OF CONGRESS



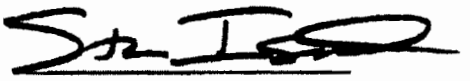
Michael E. Capuano
MEMBER OF CONGRESS



Timothy J. Bishop
MEMBER OF CONGRESS

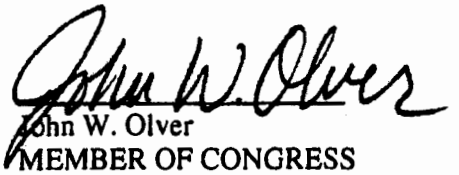


Chaka Fattah
MEMBER OF CONGRESS



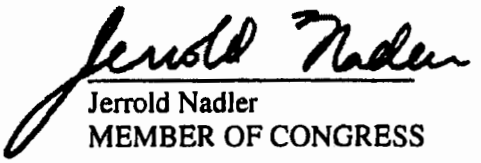
Steve Israel
MEMBER OF CONGRESS

Mike Quigley
MEMBER OF CONGRESS

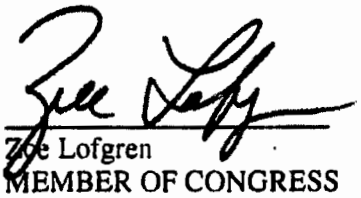


John W. Olver
MEMBER OF CONGRESS

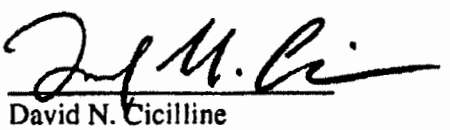
Charles B. Rangel
MEMBER OF CONGRESS



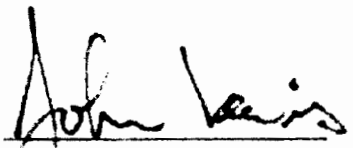
Jerrold Nadler
MEMBER OF CONGRESS



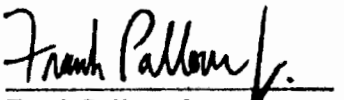
Zoe Lofgren
MEMBER OF CONGRESS



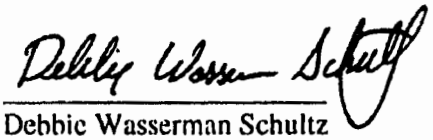
David N. Cicilline
MEMBER OF CONGRESS



John Lewis
MEMBER OF CONGRESS



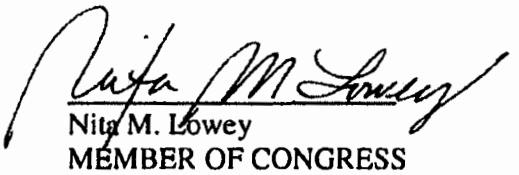
Frank Pallone Jr.
MEMBER OF CONGRESS



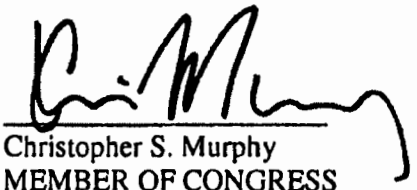
Debbie Wasserman Schultz
MEMBER OF CONGRESS

James R. Langevin
MEMBER OF CONGRESS

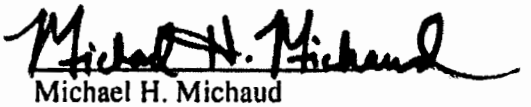
Bobby L. Rush
MEMBER OF CONGRESS



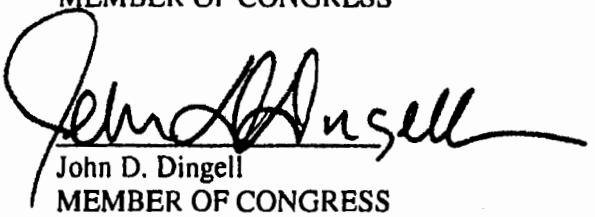
Nita M. Lowey
MEMBER OF CONGRESS



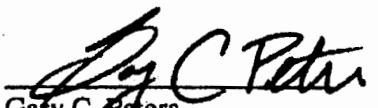
Christopher S. Murphy
MEMBER OF CONGRESS



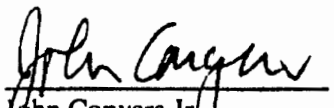
Michael H. Michaud
MEMBER OF CONGRESS



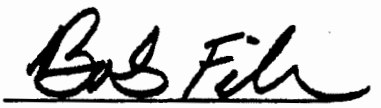
John D. Dingell
MEMBER OF CONGRESS



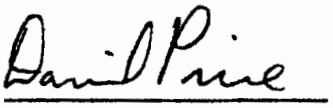
Gary C. Peters
MEMBER OF CONGRESS



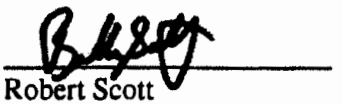
John Conyers Jr.
MEMBER OF CONGRESS



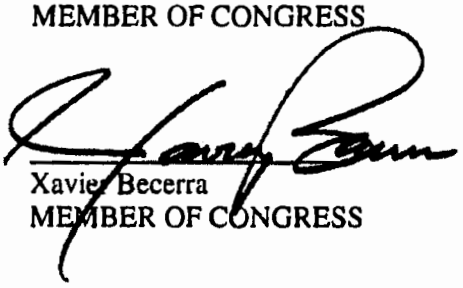
Bob Filner
MEMBER OF CONGRESS



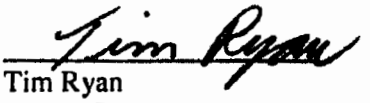
David E. Price
MEMBER OF CONGRESS



Robert Scott
MEMBER OF CONGRESS



Xavier Becerra
MEMBER OF CONGRESS



Tim Ryan
MEMBER OF CONGRESS

George Miller
MEMBER OF CONGRESS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP - 9 2011

OFFICE OF
WATER

The Honorable Edward J. Markey
United States House of Representatives
Washington, DC 20515

Dear Congressman Markey:

Thank you for your letter of July 29, 2011, to the U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson regarding our joint effort with the U.S. Army Corps of Engineers (Corps) to develop guidance on Clean Water Act jurisdiction. Administrator Jackson has asked that I respond to your letter.

We appreciate your observations regarding the importance of clean water to public health, our economy, and the environment. The importance of clean water has guided the agencies' efforts to clarify what waters are protected by the Clean Water Act after two U.S. Supreme Court cases. The agencies believe that public input is important to developing sound public policy. Thus, we published the draft guidance on May 2, 2011 for comment. The comment period closed July 31, 2011. We have received many thousands of comments, and are in the process of reviewing and analyzing the information and ideas submitted.

The draft guidance reaffirms protections for small streams that feed into larger streams, rivers, bays and coastal waters, affecting the integrity of those waters. It also reaffirms protection for wetlands that filter pollution and help protect communities from flooding. This draft guidance would help protect the streams and wetlands that affect the quality of the water used for drinking, swimming, fishing, farming, manufacturing, tourism and other activities essential to the American economy and quality of life. It also would improve regulatory clarity, predictability, consistency and transparency.

In the May 2, 2011, Federal Register Notice, the EPA and Corps stated that they expect to propose revisions to existing regulations to further clarify which waters are subject to Clean Water Act jurisdiction, consistent with the Supreme Court's decisions. This is still the intention of the EPA and Corps.

Thank you for your continued interest and support of our nation's efforts to ensure clean water. If you have further questions, please contact me or your staff may call Denis Borum in the EPA's Office of Congressional and Intergovernmental Relations on 202-564-4836.

Sincerely,

Nancy K. Stoner
Acting Assistant Administrator

AL-11-001-1302

NI

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 15 2011

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to support the charter renewal of the Environmental Laboratory Advisory Board (ELAB) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The ELAB is in the public interest and supports the U.S. Environmental Protection Agency (EPA) in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Board will be in effect for two years from the date it is filed with Congress. After the two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App.2 § 14).

If you have any questions or comments, please contact me or your staff may contact Clara Jones in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

ENVIRONMENTAL LABORATORY ADVISORY BOARD

1. **Committee's Official Designation (Title):**

Environmental Laboratory Advisory Board

2. **Authority:**

This charter renews the Environmental Laboratory Advisory Board (ELAB) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. ELAB is in the public interest and supports the Environmental Protection Agency (EPA) in performing its duties and responsibilities.

3. **Objectives and Scope of Activities:**

ELAB will provide advice, information, and recommendations to the Environmental Protection Agency (EPA) Administrator, the EPA Science Advisor, and/or Forum on Environmental Measurements (FEM) on issues related to:

A. Enhancing EPA's measurement programs in areas such as:

a. Validating and disseminating methods for sample collection and for biological, chemical, radiological, and toxicological analysis;

b. Developing scientifically rigorous, statistically sound, and representative measurements;

c. Employing the performance paradigm in environmental monitoring and regulatory programs;

d. Improving communications and outreach between the EPA and its stakeholder communities; and

e. Employing a quality systems approach that ensures that the data gathered and used by the Agency are of known and documented quality.

B. Facilitating the operation and expansion of a national environmental accreditation program. In this regard, ELAB will provide advice and recommendations to EPA on issues that impact the non-governmental community that are related to:

a. The operation and expansion of a national accreditation program characterized by an acceptance of the program by all states and suitable for accrediting environmental laboratories or entities of all sizes and types; and

b. Steps that need to be taken in order to facilitate the further implementation of the performance paradigm in the nation's environmental monitoring and environmental accreditation programs.

4. Description of Committee Duties:

The duties of ELAB are solely advisory in nature.

5. Official(s) to Whom the Committee Reports:

ELAB will provide advice, information, and recommendations and report to the EPA Administrator, the EPA Science Advisor, and/or Forum on Environmental Measurements (FEM).

6. Agency Responsible for Providing the Necessary Support:

EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Office of the Science Advisor.

7. Estimated Annual Operating Costs and Work Years:

The estimated annual operating cost of ELAB is $45,000 which includes 0.3 person-years of support.

8. Designated Federal Officer:

A full-time or permanent part-time employee of EPA will be appointed as the DFO. The DFO or a designee will be present at all of the meetings of the advisory committee and subcommittees. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

9. Estimated Number and Frequency of Meetings:

ELAB expects to meet approximately ten (10) times a year, or approximately once a month by teleconference, in addition to two (2) times a year in a face-to-face setting, as needed and approved by the DFO. EPA may pay travel and per diem expenses, when determined necessary and appropriate.

As required by FACA, the ELAB will hold open meetings unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of Section 552b of Title 5, United States Code. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the ELAB.

10. Duration and Termination:

ELAB will be examined annually and will exist until the EPA determines the committee is no longer needed. This charter will be in effect for two years from the date it is filed with Congress. After this period, the charter may be renewed as authorized in accordance with Section 14 of FACA.

11. Member Composition:

ELAB will be composed of approximately 15 members who will serve as representative members. In selecting members, EPA will consider candidates from trade associations for the environmental laboratory industry, trade associations from EPA's regulated community, environmental public interest groups, academia, federal, local and tribal governments, and accreditation bodies.

12. Subgroups:

EPA, or the ELAB with EPA's approval, may form subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered committee and must report their recommendations and advice to the ELAB for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the EPA.

13. Recordkeeping:

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act and subject to the Freedom of Information Act, 5 U.S.C. 552.

June 22, 2011
Agency Approval Date

July 7, 2011
GSA Consultation Date

_____
Date Filed with Congress

AL-10-000-8990

Congress of the United States
Washington, DC 20515

May 21, 2010

Administrator Lisa Jackson
Environmental Protection Agency
1200 Constitution Ave., NW.
Washington, DC 20460.

Dear Administrator Jackson,

As members of Congress who are committed to attaining fishable and swimmable waters throughout the United States, we are writing to urge the Environmental Protection Agency (EPA) to address the threat of ocean acidification through guidance issued under Section 303(d) of the Clean Water Act. We recommend that you take this opportunity to provide leadership aimed at investigating the potential effects of ocean acidification on marine ecosystems.

Ocean acidification poses grave threats to the world's marine wildlife and to the fisheries and marine resources upon which we depend. Changes in seawater chemistry have the potential to impair the ability of marine life—from plankton and corals to shellfish and mollusks—to build the protective shells they need to survive. Reductions in primary productivity, the base of most marine food chains, could disrupt commercial fishing industries worldwide with broad dietary and economic consequences. Continued research and observations are needed to better understand the chemical processes involved and to better predict how ocean ecosystems might respond to acidification.

When enacting the Clean Water Act in 1972, Congress stated that its goal was to restore and maintain the chemical, physical and biological integrity of the Nation's waters. These waters provide recreational and commercial opportunities for our friends, families and communities by providing habitat for a wide variety of fish, wildlife and plants. As just one measure of these opportunities, commercial and recreational fishing generates approximately $185 billion in sales for the U.S. economy and supports more than two million jobs. These jobs depend on healthy ecosystems.

In March 2010, the EPA published a notice soliciting comments on how to address ocean acidification under section 303(d) of the Clean Water Act. Specifically, the EPA is considering how states and territories can identify and monitor ocean waters that are threatened or impaired by acidification. Section 303(d) requires that states identify impaired waters and develop approaches to limiting the pollution causing the water quality problem. The EPA can play an important role by providing guidance and leadership to address the threat of acidification.

EPA guidance under the Clean Water Act would fulfill an important need by providing a framework for national and state coordination to reduce carbon dioxide emissions and address the impacts of ocean acidification. Guidance from the EPA also could assist states and territories in assessing and monitoring their coastal waters and implementing measures that will mitigate water quality degradation from acidification. Finally, approaches under the Clean Water Act based on the best available science can complement other local, state, territorial and federal policies to address ocean acidification.

A recent study by the National Academy of Sciences, confirmed that there is growing evidence that ocean acidification is changing faster than it has in hundreds of thousands of years and that oceans will continue to become more acidic unless carbon dioxide emissions are substantially curbed. To address this potential environmental crisis, states and territories need guidance for implementing measures to protect their ocean and coastal resources from the immediate impact of rising ocean acidity.

Thank you for your consideration and leadership regarding this important issue. We look forward to working with you to address this tremendous challenge.

Sincerely,

LOIS CAPPS
Member of Congress

SAM FARR
Member of Congress

JAY INSLEE
Member of Congress

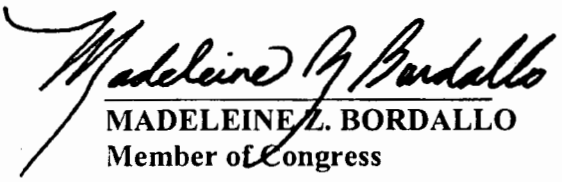
ZOE LOFGREN
Member of Congress

ANNA G. ESHOO
Member of Congress

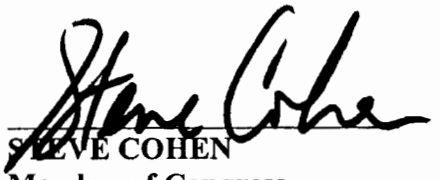
JACKIE SPEIER
Member of Congress

GREGORIO KILILI CAMACHO SABLAN
Member of Congress

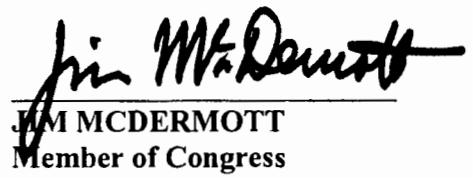
MIKE THOMPSON
Member of Congress



MADELEINE Z. BORDALLO
Member of Congress



STEVE COHEN
Member of Congress

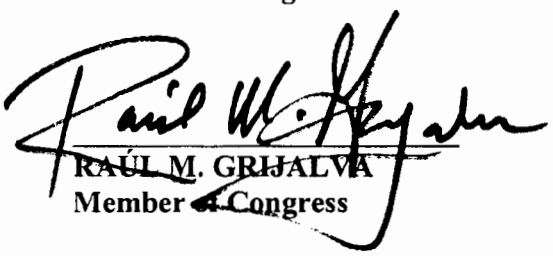


JIM MCDERMOTT
Member of Congress

RUSH D. HOLT
Member of Congress

MIKE QUIGLEY
Member of Congress

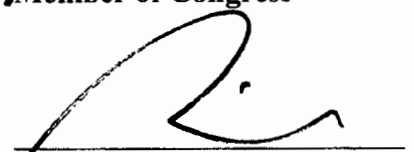
CAROL SHEA-PORTER
Member of Congress



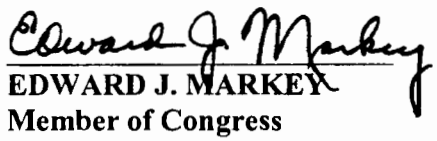
RAÚL M. GRIJALVA
Member of Congress

DONNA M. CHRISTENSEN
Member of Congress

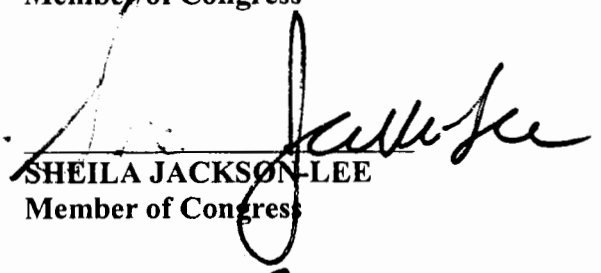
MAZIE K. HIRONO
Member of Congress



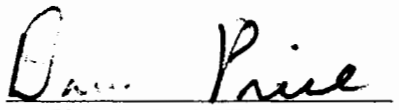
ANTHONY D. WEINER
Member of Congress



EDWARD J. MARKEY
Member of Congress



SHEILA JACKSON-LEE
Member of Congress



DAVID E. PRICE
Member of Congress

JOSÉ E. SERRANO
Member of Congress

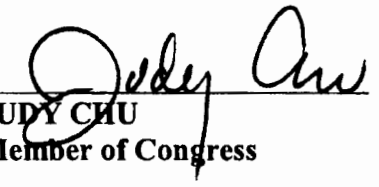
JAMES P. MORAN
Member of Congress

LYNN C. WOOLSEY
Member of Congress

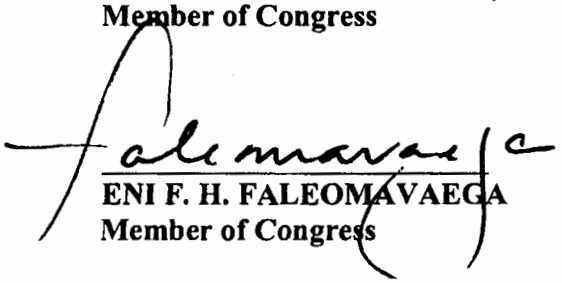
EARL BLUMENAUER
Member of Congress

BRIAN BAIRD
Member of Congress

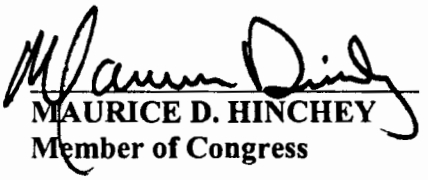
ALCEE L. HASTINGS
Member of Congress



JUDY CHU
Member of Congress

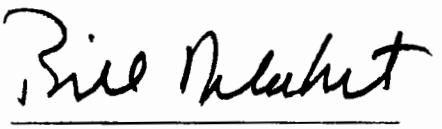


ENI F. H. FALEOMAVAEGA
Member of Congress

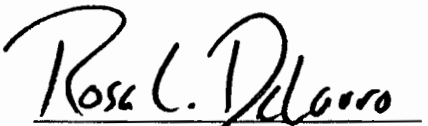


MAURICE D. HINCHEY
Member of Congress

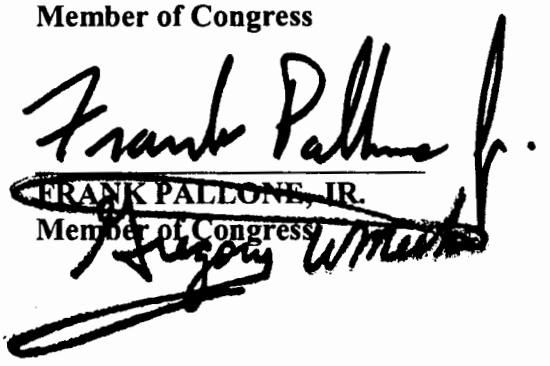
BARBARA LEE
Member of Congress



BILL DELAHUNT
Member of Congress

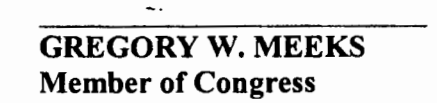


ROSA L. DELAURO
Member of Congress



FRANK PALLONE, JR.
Member of Congress

JANE HARMAN
Member of Congress

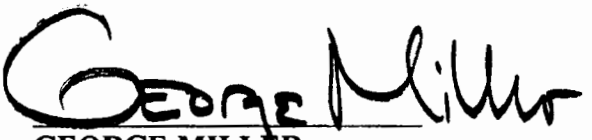


GREGORY W. MEEKS
Member of Congress

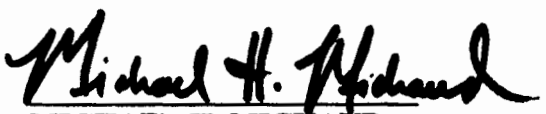
KATHY CASTOR
Member of Congress

JOHN GARAMENDI
Member of Congress

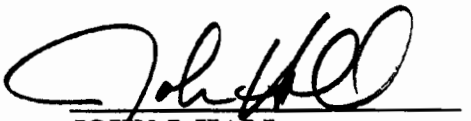
DEBBIE WASSERMAN SCHULTZ
Member of Congress



GEORGE MILLER
Member of Congress

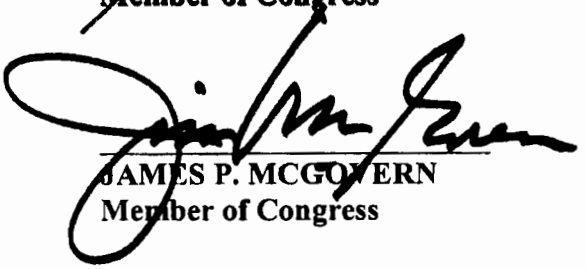


MICHAEL H. MICHAUD
Member of Congress



JOHN J. HALL
Member of Congress

CAROLYN B. MALONEY
Member of Congress



JAMES P. MCGOVERN
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 15 2010

OFFICE OF
WATER

The Honorable Edward J. Markey
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

Thank you for your letter of May 21, 2010, to Lisa P. Jackson, Administrator, regarding the U.S. Environmental Protection Agency's (EPA) Federal Register Notice (FRN) soliciting comments on how to address waters impaired by ocean acidification under section 303(d) of the Clean Water Act. We appreciate and share your concerns about the potential ecological and economic effects of ocean acidification.

We are currently analyzing all the comments received in response to the FRN, and will also be reviewing the full study by the National Academy of Sciences on ocean acidification to be released this summer. EPA expects to make a decision by November 15, 2010, about how to proceed with regard to the interplay between ocean acidification and the 303(d) program. In doing so, we will consider the information received in response to the FRN, as well as information from other ongoing Federal efforts related to ocean acidification. We value your support for action to address this growing threat.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Denis Borum in EPA's Office of Congressional and Intergovernmental Relations at 202-564-4836.

Sincerely,

Peter S. Silva
Assistant Administrator

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

JOE BARTON, TEXAS
RANKING MEMBER

ONE HUNDRED ELEVENTH CONGRESS

AL-09-001-9221

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

December 8, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Administrator Jackson:

As you know, an article in today's New York Times[1] indicated that "more than 20 percent of the nation's water treatment systems have violated key provisions of the Safe Drinking Water Act (SDWA)." Moreover, the article describes a culture at the EPA that discourages enforcement actions from being pursued by staff, which results in repeated and persistent violations that endanger public health and safety.

The article describes numerous failures of the enforcement of SDWA in the past decade:

- Since 2004, more than 49 million people have been provided with drinking water that has contained illegal amounts of toxic chemicals such as arsenic, radioactive materials or bacteria.

- Fewer than 6 percent of the violators known to have broken the law were ever subjected to penalties by either federal or state drinking water regulators.

- In some cases, drinking water violations were allowed to continue for years.

- Current and former EPA officials described unsuccessful efforts to take enforcement measures against drinking water violators, only to be faced with internal resistance by other EPA officials that prevented these actions to be taken.

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[1] See *Millions in U.S. Drink Dirty Water, Records Show*, New York Times (December 8, 2009) http://www.nytimes.com/2009/12/08/business/energy-environment/08water.html?hp=&adxnnl=1&adxnnlx=1260288050-x33mOROMvEmozw3PhYqkcA

- State regulators often respond to violations with technical or other aid in order to assist the drinking water facility to come into compliance with the law, but in many cases, the facilities continue to be in violation of the standards even after such assistance is provided.

This record, quite simply, is unacceptable. I was pleased to learn that today, you announced a new enforcement plan for SDWA that focuses attention on the drinking water systems with the most problematic or repeated violations, and I look forward to reviewing it. While it is clear that many of the problems detailed in the article were created and allowed to grow by the previous Administration, I am concerned especially by the views expressed by a mid-level EPA official in the article who stated that "the same people who told us to ignore Safe Drinking Water Act violations are still running the divisions. There's no accountability, and so nothing's going to change."

As the Chairman of the House Energy and Commerce Committee's Subcommittee on Energy and Environment, which has jurisdiction over SDWA, I ask that you respond to the following questions by December 18, 2009:

1. How does EPA intend to address the internal cultural challenges described by current and former EPA officials who cite systemic efforts to discourage the pursuit of SDWA enforcement within the Agency?
2. How does EPA oversee State regulators' efforts to enforce SDWA violations? Please fully describe the manner in which EPA ensures that these efforts, whether they take place through enforcement actions or informal technical assistance, actually result in the drinking water utility remedying the violation.
3. How should a member of the public expect to be made aware of a violation that has resulted in toxic contaminants or bacteria in their drinking water? Does EPA ensure that this is occurring as it is supposed to?
4. Do you believe that the public should have the right to be made immediately aware of all violations, as mandated by SDWA section 1414(c)(2)(C), that could adversely impact their health if they continue to drink the water in question? Why or why not?

Thank you for your prompt attention to this matter. If you have questions or concerns regarding this letter, please have your staff contact Dr. Michal Freedhoff on my staff at (202) 225-2836.

Sincerely,

Edward J. Markey

Edward J. Markey
Chairman
Subcommittee on Energy and Environment

cc: The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and Environment

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 2 9 2009

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Edward J. Markey
Chairman
Subcommittee on Energy and Environment
2125 Rayburn House Office Building
Washington, D.C. 20515-6115

Dear Chairman Markey:

Thank you for your letter of December 8, 2009, requesting responses to your questions regarding the December 8, 2009 New York Times article on the nation's water treatment systems.

The Environmental Protection Agency (EPA) is doing important work with regards to monitoring the nation's water treatment systems. EPA is committed to continuing its efforts across the country.

Again, thank you for your letter. If you have any further questions, please contact me, or your staff may contact Carolyn Levine at (202) 564-1859, or Greg Spraul at (202) 564-0255, both in EPA's Office of Congressional and Intergovernmental Relations.

Sincerely,

for David McIntosh
Associate Administrator

Attachments

Cc: The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and Environment

1. How does EPA intend to address the internal cultural challenges described by current and former EPA officials who cite systemic efforts to discourage the pursuit of SDWA enforcement within the Agency?

Overall compliance with the Safe Drinking Water Act is quite high and the vast majority of Americans - over 90%- get clean and safe drinking water from our public water systems which meet EPA's health standards. However, we know that we can do better. EPA and the states face challenging non-compliance problems that require attention, particularly in small systems and with newer regulations. Most violations of EPA's health standards occur in small water supply systems. Generally states and EPA have worked with these small systems to help provide the money and training necessary to supply clean water, or to get small drinking water systems connected to a larger water supply with a better compliance record. This work has improved compliance with safe drinking water rules but EPA can and will do more. Through the new Safe Drinking Water Act enforcement policy announced on December 8, 2009, EPA is setting a higher bar and insisting that public water systems achieve compliance or EPA and the states will take tougher action. This new policy will increase the effectiveness of state and federal enforcement, streamline the identification of systems with violations, and then focus enforcement resources on those with the greatest impact on public health. EPA managers and staff responsible for enforcement activities under the SDWA are committed to achieving this higher bar to improve the quality of our nation's drinking water. Administrator Jackson has stated that "clean and safe water is the lifeblood of healthy communities and healthy economies." EPA is committed to using tools ranging from technical and financial assistance to enforcement, and to working with our state partners to provide Americans with clean and safe drinking water, every day.

2. How does EPA oversee State regulators' efforts to enforce SDWA violations? Please fully describe the manner in which EPA ensures that these efforts, whether they take place through enforcement actions or informal technical assistance, actually result in the drinking water utility remedying the violation.

States assume the primary enforcement role under the SDWA when they assume responsibility for the program. Section 1413 expressly provides states with "Primary Enforcement Responsibility." However, EPA retains federal enforcement authority as well, even in states with primacy. This scheme is similar to EPA's retained enforcement authority under other federal statutes, but is somewhat more restrained by statute. For example, in addition to giving notice of a violation to states and water systems before taking an enforcement action, EPA must first offer technical assistance to the water system. In addition, EPA's administrative penalty authority is limited by statute to situations where EPA already has issued a compliance order and the system violates that order, and the amount of the penalty that EPA can impose is capped at $37,500.

In practice, most of EPA's enforcement activities are in the areas where it retains "direct implementation" responsibility, including: the one state that did not assume primacy for the drinking water program (Wyoming), the District of Columbia, U.S. territories (Puerto Rico, VI, Guam), Tribal lands (except the Navajo Nation, which assumed primacy), and

new rule implementation in primacy states before the states assume responsibility for implementing and enforcing the new rules.

In addition, EPA takes direct enforcement action when requested by states and in significant cases, *e.g.*, enforcement of the filtration requirements of the Long Term Enhanced Surface Water Treatment Rule against the City of New York. EPA also has emergency order authority under the Safe Drinking Water Act, which gives EPA authority to respond to an imminent and substantial endangerment to the public.

As part of EPA's annual work planning process, EPA also works with each state individually to set targets for addressing a specific number of systems in significant noncompliance each year. EPA regions meet regularly with states throughout the year to ensure these targets will be met. The new enforcement approach described in the response to question 1 above will improve the effectiveness of our target-setting by focusing state attention, and federal oversight, on the systems with the most significant problems or repeat violations, with a primary goal of returning systems to compliance as effectively and efficiently as possible. We expect that this approach will improve compliance, and therefore, better protect public health.

3. How should a member of the public expect to be made aware of a violation that has resulted in toxic contaminants or bacteria in their drinking water? Does the EPA ensure that this is occurring as it is supposed to?

In order to protect public health, any time a water supplier fails to meet all EPA and state standards for drinking water (including missing required samples or taking them late), the water supplier must inform the people who drink the water. The timing and method of notification depends upon the nature of the risk. Depending on the severity of the situation, water suppliers have from 24 hours to one year to notify their customers. States are responsible for ensuring this occurs as mandated and EPA oversees state programs.

For acute risks, including violations that indicate the possibility of exposure to microbial pathogens, utilities must notify the public within 24 hours and in some cases must issue a boil water advisory. Notification must occur through methods that are reasonably calculated to reach all persons served by the system, including but not limited to broadcast media such as radio or television, hand delivery, and/or posting of notices in conspicuous places. Other options could include newspaper announcements, delivery of multiple copies to be distributed in central locations such as community centers, or use of email to notify employees or students.

For violations for which potential health effects result only from longer term exposure and so risk is not immediate, community water systems must notify their customers within 30 days. These requirements apply whenever any maximum contaminant level (MCL) or maximum residual disinfectant level (MRDL) is exceeded as well as to treatment technique violations. Notification must occur through mail or hand delivery as well as other methods as needed to reach consumers not likely to receive a notice in the mail.

For other situations, such as monitoring violations or operation under a variance, public notice must be issued within 12 months of learning of the issue. Notification occurs through mail or hand delivery as well as other methods as needed to reach non-billing customers. If it occurs within the appropriate time frame, the violation can also be reported in the annual Consumer Confidence Report (CCR). The CCR summarizes information regarding water sources, any detected contaminants, and compliance and educational information. These reports are mailed to billing customers, but a community water system must make a good faith effort to reach consumers who do not get water bills, such as renters or workers.

4. Do you believe that the public should have the right to be made immediately aware of all violations, as mandated by SDWA section 1414(c)(2)(C), that could adversely impact their health if they continue to drink the water in question?

EPA is committed to ensuring the pubic right-to-know about violations. In order to protect the public health, consumers must know immediately of any violation that could have immediate adverse impacts on their health so that they can take appropriate action. The Public Notification Rule, promulgated in 2000, requires direct water suppliers to let people know within 24 hours of any situation that may immediately pose a health risk.

Tier I violations, those that require immediate notification, include violation of the fecal coliform maximum contaminant level (MCL), nitrate MCL, chloride dioxide maximum distribution level (MRDL), treatment techniques warranted by turbidity levels as well as waterborne disease outbreaks and other situations as determined by the primacy agency. The final rule sets minimum methods of delivery but also requires that water systems take steps reasonably calculated to reach all customers, including those who may not reached by the minimum method. Tier I violations may often lead to boil water advisories, depending on the circumstances.

Each notice must contain information addressing certain elements, including a description of the violation that occurred, potential health effects, the population at risk and if alternate water supplies need to be used or other actions consumers can take. The notice must also inform the public of what the water system is doing to correct the problem, when the violation occurred and when the system expects it to be resolved. For some elements, specific language is required by the regulation in order to ensure effective risk communication. EPA provides guidance about public notification methods, including recommendations for distribution options that will reach the most people, templates of sample notices, and tips for advance planning and working with the media. The guidance was revised in 2007 to reflect new rules and to be more up to date with new media options such as email.

AL-09-001-6791

ONE HUNDRED ELEVENTH CONGRESS

Select Committee on
Energy Independence and Global Warming
U.S. House of Representatives
Washington, DC 20515

EDWARD J. MARKEY, MASSACHUSETTS
CHAIRMAN

August 17, 2009

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

I appreciate the update that your staff provided today to the Select Committee staff on the status of the Agency's response to inquiries from Ranking Member Sensenbrenner concerning the Agency's "endangerment finding" and related staff work. I am submitting this letter to formally request that you should include in your response any contribution from Dr. Alan Carlin and his office to the Agency's deliberation on the endangerment finding for the period prior to 2009. Specifically, provide any contribution that Dr. Carlin or his office made to the Agency's deliberation between during 2007 and 2008, in addition to any contributions made in 2009.

Thank you for your cooperation. If you have any questions, please contact Michal Freedhoff or Gerard J. Waldron on my Committee staff.

Sincerely,

Ed Markey

Edward J. Markey
Chairman

cc: Rep. F. James Sensenbrenner, Jr.
Ranking Member

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 03 2009

THE ADMINISTRATOR

The Honorable Edward J. Markey
Chairman
Select Committee on Energy Independence
and Global Warming
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of August17, 2009, concerning the request by Congressmen F. James Sensenbrenner, Jr., and Darrell Issa for additional information and documents related to the U.S. Environmental Protection Agency's (EPA or Agency) proposed endangerment and cause and contribute findings and technical support document (TSD).

The Congressmen's letter asked a number of questions and requested supporting documents related to the timeline used for developing the draft TSD as well as the role that the National Center for Environmental Economics (NCEE) and its staff played in reviewing the proposed endangerment and cause and contribute findings and the draft TSD. Many of the questions also focused on the comments of Dr. Alan Carlin, a member of NCEE. Please find enclosed a copy of EPA's response to Congressman Sensenbrenner, which includes copies of Dr. Carlin's comments on the draft TSD from 2007.

Thank you again for your letter. If you have further questions, please contact me, or your staff may contact Arvin Ganesan in EPA's Office of Congressional and Intergovernmental Affairs at 202-564-4741.

Sincerely,

Lisa P. Jackson

Enclosures

cc: The Honorable Edolphus Towns, Chairman, Oversight and Government Reform Committee (without enclosures)
The Honorable F. James Sensenbrenner, Ranking Member, Select Committee on Energy Independence and Global Warming
The Honorable Darrell Issa, Ranking Member, Oversight and Government Reform Committee (without enclosures)

AL-08-000-6870

Select Committee on
Energy Independence and Global Warming
U.S. House of Representatives

January 15, 2008

Stephen L. Johnson
Administrator, Environmental Protection Agency (EPA)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Johnson:

I am writing to invite you to testify before the Select Committee on Energy Independence and Global Warming on February 7, 2008 in a room TBD regarding EPA's response to the Supreme Court's April 2007 decision in *Massachusetts v. EPA* and the President's May 14 Executive Order entitled "Cooperation Among Agencies in Protecting the Environment with Respect to Greenhouse Gas Emissions From Motor Vehicles, Nonroad Vehicles, and Nonroad Engines", as well as other developments related to the December 2007 passage of the Energy Bill.

As you know, the Supreme Court in *Massachusetts v. EPA* held that "Because greenhouse gases fit well within the Act's capacious definition of 'air pollutant,' EPA has statutory authority to regulate emission of such gases from new motor vehicles." The Court made clear that "the fact that DOT's mandate to promote energy efficiency by setting mileage standards may overlap with EPA's environmental responsibilities in no way licenses EPA to shirk its duty to protect the public 'health' and 'welfare . . . . The two obligations may overlap, but there is no reason to think the two agencies cannot both administer their obligations and yet avoid inconsistency."

On May 14, 2007, President Bush responded to the Supreme Court decision by directing his Cabinet, with guidance in the form of an Executive Order, to undertake a coordinated effort to promulgate regulations to "protect the environment with respect to greenhouse gas emissions from motor vehicles, nonroad vehicles, and nonroad engines." You led the Cabinet's press conference announcing the Executive Order, making clear the EPA would be leading the regulatory efforts by stating that: "Well, through – since this regulation will be done through – principally through the Clean Air Act, then it is my responsibility, the agency's responsibility to oversee and actually develop the regulation." You also made clear, both in this press conference and in subsequent statements, that the Administration would issue a proposed rule in the fall of 2007.

It is my understanding that since the Executive Order was signed, EPA and the National Highway Traffic Safety Administration (NHTSA) have, in fact, spent a considerable amount of time coordinating with one another in order to respond to the regulatory directive set out by the President, and that such a proposal was drafted by EPA staff in order for it to be released in time to meet the fall 2007 target for doing so. In fact, a December 21, 2007 article in the LA Times indicated that "the proposed standard cleared all EPA internal reviews and was forwarded to the Department of Transportation" the week of December 10, 2007.

On December 19, 2007, the President signed the Energy Independence and Security Act of 2007, which directs EPA to ensure that the nation's fuel supply includes 36 billion gallons of renewable fuels by 2022, and directs NHTSA to ensure that the overall fuel economy of our car and light truck fleet is no less than 35 miles per gallon by 2020. Since the bill was signed into law, it is my understanding that all work on the EPA rulemaking in response to the Supreme Court's decision in *Massachusetts v. EPA* has ceased, raising questions as to whether EPA plans to abandon these efforts. Just recently, the press reported that White House Council on Environmental Quality Chairman James Connaughton indicated that the Administration was studying "the need for further regulations and additional policies on heat-trapping greenhouse gases from automobiles and industrial emitters following passage last month of a new fuel economy standard."

I am concerned that, despite the Supreme Court's determination that "the fact that DOT's mandate to promote energy efficiency by setting mileage standards may overlap with EPA's environmental responsibilities in no way licenses EPA to shirk its duty to protect the public 'health' and 'welfare,'" EPA may be attempting to do just that in light of the passage of the Energy Independence and Security Act of 2007. Consequently, I request your appearance before the Select Committee to report on the status of the Agency's actions and plans in this sphere. Please ensure that your testimony includes responses to the following questions:

1. When will EPA release its conclusions regarding whether greenhouse gas emissions from automobiles contribute to pollution that may reasonably be anticipated to endanger public health or welfare? Has the EPA completed work on this portion of its response to *Massachusetts v. EPA*? If not, what remains to be done? If so, what are the reasons for the delay in its release? Has EPA concluded that passage of the Energy Independence and Security Act in any way impacts EPA's efforts or obligations regarding the "endangerment" determination, and if so, how?

2. When will EPA release the proposed vehicle and fuel regulations directed by the President in May 2007, under the guidance of the Executive Order? Has EPA completed work on this portion of its response to *Massachusetts v. EPA* and the May 2007 Executive Order? If not, what remains to be done? If so, what are the reasons for the delay in its release? Has EPA concluded that passage of the Energy Independence and Security Act of 2007 in any way impacts EPA's efforts or obligations in this area, and if so, how?

3. Assuming that EPA concludes that greenhouse gas emissions from automobiles contribute to pollution that may reasonably be anticipated to endanger public health or welfare, will EPA be announcing plans to develop regulations to reduce these emissions from stationary sources such as power plants or refineries? If so, when, and if not, why not? What is the status of EPA's consideration of these issues in the context of forthcoming new source performance standards for stationary sources or other relevant pending regulations?

I look forward to your testimony on this important matter. So that the Select Committee Members may adequately prepare for the hearing, please provide copies of the rulemaking documents referenced in the December 21, 2007 LA Times article that EPA forwarded to NHTSA by January 31, 2008. Thank you very much.

Sincerely,

Ed Markey

Edward J. Markey, Chairman
Select Committee on Energy Independence
& Global Warming

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 7 2008

OFFICE OF CONGRESSIONAL AND
INTERGOVERNMENTAL RELATIONS

The Honorable Edward J. Markey
Chairman
Select Committee on Energy Independence & Global Warming
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

This is in response to your letter of January 15, 2008, in which you invited Environmental Protection Agency (EPA or Agency) Administrator Stephen L. Johnson to testify before the Select Committee regarding a number of issues identified in your letter, as well as requested that EPA provide you a copy of documents referenced in a December 21, 2007 *Los Angeles Times* article.

EPA respects your role as Chairman and is committed to accommodating to the extent possible the Select Committee's request for information to assist with its hearing. As the Administrator discussed with you recently, he plans to appear before the Select Committee at its March 13 hearing. His written testimony prepared in anticipation of the hearing will address issues raised by your letter. He also looks forward to responding to any questions you might have at the hearing.

Your letter also requested that EPA provide you with copies of documents mentioned in a December 21, 2007 *Los Angeles Times* article. We believe the *Los Angeles Times* may have been referencing a preliminary document regarding draft proposed vehicle regulations. Contrary to assertions in the article, the document is still in draft form, and has not been finalized. As a preliminary draft, the document you reference would constitute part of the deliberative process in the development of a regulatory action. Because EPA has not finalized any vehicles text, the document you reference does not reflect the final thinking of the Agency.

EPA is continuing to consider how best to proceed regarding any regulatory action that would affect emissions of greenhouse gases. While this process continues, EPA has an interest in ensuring that incomplete and/or inaccurate information is not disseminated and, more importantly, that candid discussions are encouraged. Disclosure of pre-decisional information could compromise the ongoing deliberative process, as well as result in needless public confusion about the status of EPA's efforts on this issue. Disclosure of information at this stage in the deliberative process could also raise questions about whether the Agency's actions were being taken in response to or

influenced by proceedings in a legislative or public forum rather than through the established administrative process. For these reasons, EPA does not believe it would be appropriate to share the document referenced in the *Los Angeles Times* article at this time.

If you would like to discuss other possible accommodations, or if you have questions in advance of the hearing, please contact me or have your staff call Anthony Reed in my office at (202) 564-3109.

Sincerely,

Christopher P. Bliley
Associate Administrator

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

ENERGY AND COMMERCE COMMITTEE
RANKING MEMBER
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET

SELECT COMMITTEE ON
HOMELAND SECURITY

RESOURCES COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515–2107

2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–2107
(202) 225–2836

DISTRICT OFFICES:
5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396–2900

188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875–2900
www.house.gov/markey

March 5, 2007

AL-07-000-4403

Stephen L. Johnson
Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue Northwest
Washington, D.C. 20004

RE: Tufts University & Mystic River Watershed Association

Dear Administrator Johnson:

I am pleased to offer my strong support to a proposal submitted by a team from Tufts University and the Mystic River Watershed Association (MyRWA) to the Environmental Protection Agency's Targeted Watershed Grant Program under the Office of Wetlands, Oceans, and Watersheds.

The Mystic River and its tributaries flow through some of the most densely-populated and industrialized communities in the Commonwealth of Massachusetts. The watershed is home to many low-income, immigrant and minority communities. It has suffered significant neglect in the past and has not received an adequate level of support in the past.

Tufts University and the MyRWA are seeking this grant to directly address four important objectives in the EPA's Strategic Plan: Improve Water Quality on a Watershed Basis, make the Water Safe for Swimming, Sustain Community Health, and Restore Community Health through Collaborative Problem-Solving. To achieve this goal, they have proposed three separate projects. First, they will implement a flood and water quality management scheme in the Alewife Brook sub basin. Next, they will control the release of pollutants form hazardous waste sites and prevent the pollutants from impairing recreational waters downstream. Finally, they will establish a multi-stakeholder planning process to support the Eastern Mystic Watershed Alliance.

I commend Tufts University and the Mystic River Watershed Association for their commitment to ensuring the health of the water, habitat, and wildlife of the Mystic River. Should you have any questions or require additional information, please contact **Rocco DiRico** of my Medford District Office at **781-396-2900**.

Sincerely,

Edward J. Markey

Edward J. Markey

EJM/rd

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2007

OFFICE OF
WATER

The Honorable Edward J. Markey
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of March 5, 2007, to the Environmental Protection Agency (EPA) regarding the Tufts University's application for assistance under the Agency's Targeted Watersheds Grant program. We assure you that Tufts University's proposal will receive every consideration within the Agency's assistance agreement guidelines and regulations. We have a rigorous screening and review process to ensure that all applications are handled fairly and according to the criteria set forth in the formal Request for Proposals (RFP).

Additional information about the Targeted Watersheds Grant program, including the RFP, can be found on EPA's Web site at: www.epa.gov/twg. We are also pleased to provide you with the most recent report for the program, which highlights how collaborative partnerships are driving important water quality improvements throughout our country.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Christina Moody in EPA's Office of Congressional and Intergovernmental Relations at 202-564-0260.

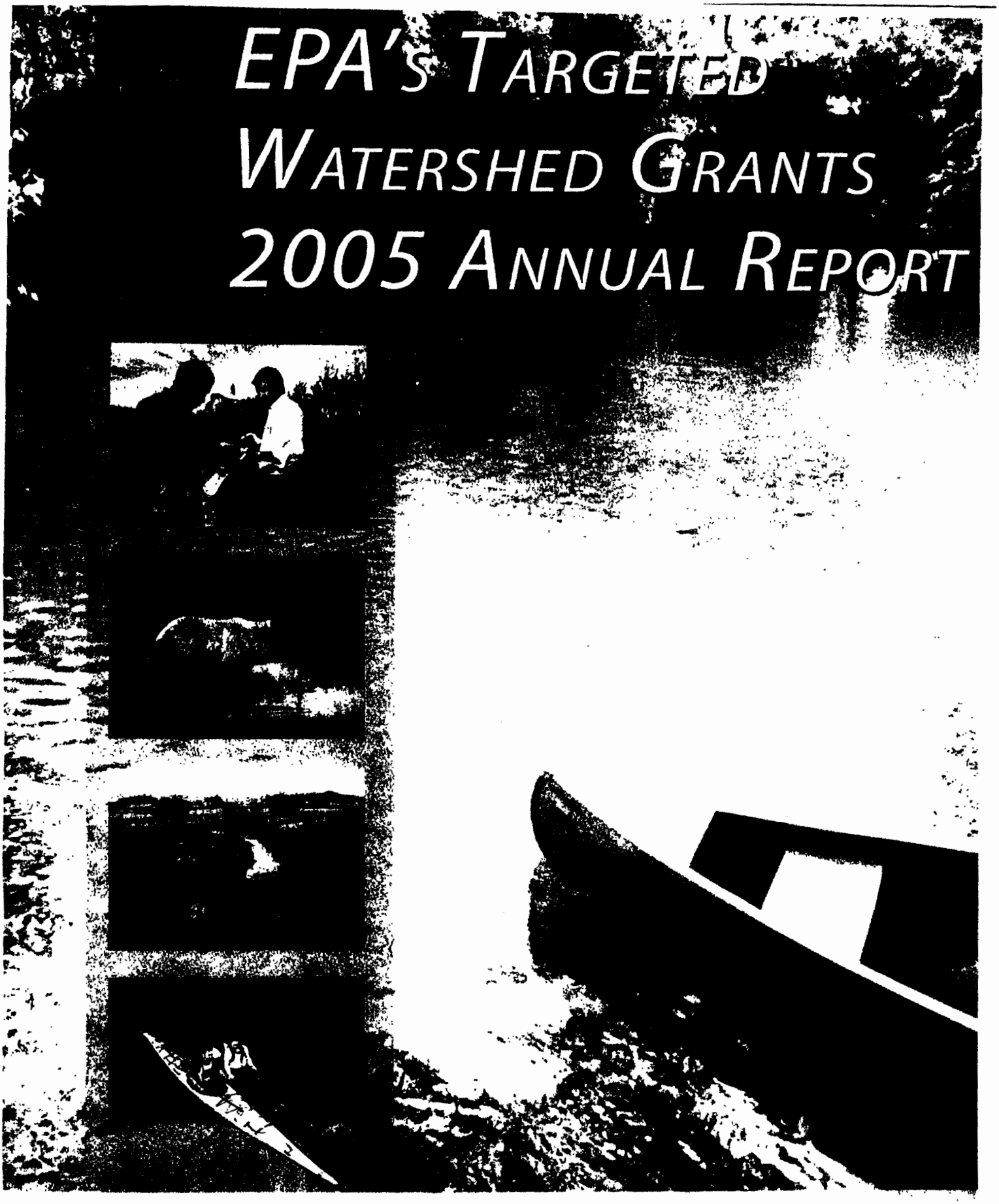
Thank you

Sincerely,

Benjamin H. Grumbles
Assistant Administrator

Enclosure

EPA's Targeted Watershed Grants 2005 Annual Report



Targeted Watersheds

Many Faces, Many Reasons, One Watershed

AL-12-001-7684

Congress of the United States
Washington, DC 20515

October 18, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

The Navajo Nation Reservation, comprising approximately 27,000 acres in Arizona, New Mexico, and Utah, was heavily mined for uranium to support development of the atomic bomb and subsequent Cold War nuclear weapons production. Although the last operating mines on the Navajo Nation closed in the mid-1980's, mining activities on the Reservation left behind hundreds of abandoned uranium mines, inactive milling sites, former dump sites, contaminated groundwater, and structures that contain elevated levels of radiation. These sites pose environmental and public health risks to the Navajo community. In 2008, in response to a request by Congress, five federal agencies, including the Environmental Protection Agency (EPA), developed a coordinated approach known as the Five-Year Plan, which outlined a strategy to begin to address and remediate the uranium contamination in and around the Navajo nation. As the timeframe for this original Five-Year Plan nears completion at the end of 2012, we request that you provide us with a written update on the work performed pursuant to this plan.

At the request of the U.S. House Committee on Oversight and Government Reform in October 2007, EPA, along with the Bureau of Indian Affairs (BIA), the Nuclear Regulatory Commission (NRC), the Department of Energy (DOE), and the Indian Health Service (IHS) developed the federal government's first coordinated plan that detailed the uranium contamination cleanup efforts in and around the Navajo Nation through 2012. Periodic briefings provided by the agencies indicate that, since the initiation of this plan, significant progress has been made in addressing some of the most urgent risks on the reservation, including uranium-contaminated water sources and radioactive structures. The federal and Navajo Nation agencies also have engaged in aggressive public outreach efforts to inform residents of the dangers associated with uranium contamination and have developed a study to identify the impacts of uranium exposure on the development of children in this community. However, due to the widespread damage inflicted on Navajo lands, a tremendous amount of work remains to be done. We believe that a second Five-Year Plan will be necessary to continue this enormous task.

To help us better understand the status of the cleanup efforts and to inform future efforts, we request that your agency, together with the other federal agencies involved, prepare a report by January 1, 2013, detailing the efforts taken over the last five years to

address uranium contamination on Navajo and Hopi lands. We are making a similar request to each of the other agencies responsible for the original Five-Year Plan. In responding to this request, please work with the other federal agencies to ensure that the report is coordinated and complete. The report should at a minimum include:

1. The extent to which the federal agencies have been successful and effective in accomplishing the cleanup and assessment milestones established in the Five-Year Plan.

2. A description of the results of the assessment and characterization efforts, including a discussion of changes to the initial understanding of the scope of the contamination problems over the past five years.

3. A discussion on how effective the collaboration among the federal and other agencies involved has been, and any ways collaboration and information sharing could be further improved during implementation of the next five-year plan.

4. A preliminary discussion of the remaining immediate and longer-term steps that need to be taken to address the uranium contamination in and around the Navajo Nation.

5. A discussion of whether past allocated resources were sufficient to accomplish the milestones outlined in the Five-Year Plan and anticipated future funding needs for additional remediation and public health efforts. Please include a discussion of the role of non-appropriated funds, such as those from Potentially Responsible Parties, during the first five years and for future efforts.

If you have any questions regarding this request please contact Dr. Avenel Joseph or Cristian Ion of the Natural Resources Committee Democratic Staff at (202) 225-6065 or Jeff Baran of the Energy and Commerce Democratic staff at (202) 225-4407.

Sincerely,

Edward J. Markey
Ranking Member
Natural Resources Committee

Henry A. Waxman
Ranking Member
Energy and Commerce

Ben Ray Lujan
Ranking Member
Subcommittee on Indian and Alaska Native Affairs

Frank Pallone
Ranking Member
Subcommittee on Health

Raúl M. Grijalva
Ranking Member
Subcommittee on National Parks, Forests
and Public Lands

Martin Heinrich
Member of Congress

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC - 7 2012

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Edward J. Markey
Ranking Member
House Natural Resources Committee
Washington D.C. 20515

Dear Congressman Markey:

Thank you for your letter of October 18, 2012, to the U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, requesting that the EPA provide a written report on the work performed to address uranium contamination on the Navajo Nation. In 2008, the EPA and four other federal agencies developed a coordinated approach known as the Five Year Plan that outlined a strategy to address uranium contamination in and around the Navajo Nation. Balancing competing priorities encompassed in the management of the EPA's national Superfund program, we have performed response actions and used our enforcement authorities to address the highest risks posed by uranium contamination on the Navajo Nation. The EPA, the Department of Energy, Indian Health Service, Nuclear Regulatory Commission, Bureau of Indian Affairs, and the Centers for Disease Control are working together to develop a coordinated report summarizing the progress that has been accomplished during the past five years. The EPA plans to complete the report by January 1, 2013, and we will provide you a copy upon its completion.

The EPA and our federal counterparts remain committed to continue the work that needs to be done to address uranium contamination on the Navajo Nation that threatens human health and the environment. The work completed over the past five years will help inform decision making as we identify priorities for future response work. We will solicit input from Navajo Nation and community members and hope to finalize an approach in coordination with the other federal agencies in the summer of 2013.

Again, thank you for your interest and support in federal actions to address the health and environmental impacts of abandoned uranium mines on the Navajo Nation. If you have further questions, please contact me, or your staff may contact Raquel Snyder in the Office of Congressional and Intergovernmental Relations at (202) 564-9586.

Sincerely,

Mathy Stanislaus

Mathy Stanislaus
Assistant Administrator

AL-11-001-5472

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 16 2011

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to support the charter renewal of the Children's Health Protection Advisory Committee (CHPAC) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The CHPAC is in the public interest and supports the U.S. Environmental Protection Agency (EPA) in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After the two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App.2 § 14).

If you have any questions or comments, please contact me or your staff may contact Clara Jones in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 16 2011

THE ADMINISTRATOR

The Honorable Doc Hastings
Chairman
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to support the charter renewal of the Children's Health Protection Advisory Committee (CHPAC) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The CHPAC is in the public interest and supports the U.S. Environmental Protection Agency (EPA) in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After the two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App.2 § 14).

If you have any questions or comments, please contact me or your staff may contact Clara Jones in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

CHILDREN'S HEALTH PROTECTION ADVISORY COMMITTEE

1. **Committee's Official Designation (Title):**

Children's Health Protection Advisory Committee

2. **Authority:**

This charter renews the Children's Health Protection Advisory Committee (CHPAC) in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. CHPAC is in the public interest and supports the Environmental Protection Agency (EPA) in performing its duties and responsibilities under Executive Order 13045 of April 21, 1997 (62 Fed. Reg. 19885 (April 23, 1997)).

3. **Objectives and Scope of Activities:**

CHPAC is a policy-oriented committee that will provide policy advice, information and recommendations to assist EPA in the development of regulations, guidance and policies to address children's health.

The major objectives are to provide policy advice and recommendations on:

a. Policy issues associated with regulations, economics, and outreach/communications to address prevention of adverse health effects to children, and improve the breadth and depth of analyses related to these efforts;

b. Critical policy and technical issues relating to children's health.

4. **Description of Committee's Duties:**

The duties of CHPAC are solely to provide policy advice to EPA.

5. **Official(s) to Whom the Committee Reports:**

CHPAC will provide policy advice and recommendations and report to the EPA Administrator.

6. **Agency Responsible for Providing the Necessary Support:**

EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Office of Children's Health Protection, Office of the Administrator.

7. **Estimated Annual Operating Costs and Work Years:**

The estimated annual operating cost of CHPAC is $395,000 which includes 1.0 person-years of support.

8. **Designated Federal Officer:**

A full-time or permanent part-time employee of EPA will be appointed as the Designated Federal Officer (DFO). The DFO or a designee will be present at all of the advisory committee's and subcommittee meetings. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

9. **Estimated Number and Frequency of Meetings:**

CHPAC expects to meet approximately three (3) times a year. Meetings may occur approximately once every four (4) months or as needed and approved by the DFO. EPA may pay travel and per diem expenses when determined necessary and appropriate.

As required by FACA, the CHPAC will hold open meetings unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of Section 552b of Title 5. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the CHPAC.

10. **Duration and Termination:**

This charter will be in effect for two years from the date it is filed with Congress. After this two-year period, the charter may be renewed as authorized in accordance with Section 14 of FACA.

11. **Member Composition:**

CHPAC will be composed of approximately 20-30 members. Members will serve as Representatives of non-Federal interests or as Regular Government Employees (RGE).

Members are selected to represent the points of view held by specific organizations, associations, or classes of individuals. In selecting members, EPA will consider candidates from Federal, State, local and Tribal governments, the regulated community, public interest groups, health care organizations and academic institutions.

12. **Subgroups:**

EPA, or the CHPAC with EPA's approval, may form CHPAC subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered committee and must report their recommendations and advice to the CHPAC for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the EPA.

13. **Recordkeeping:**

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act and subject to the Freedom of Information Act, 5 U.S.C. 552.

August 12, 2011
Agency Approval Date

August 25, 2011
GSA Consultation Date

SEP 16 2011
Date Filed with Congress

Congress of the United States
Washington, DC 20515

AL-11-000-5626

April 11, 2011

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Ariel Rios Building
Washington, DC 20460

Dear Administrator Jackson:

We thank you for your attention to dioxin over the past two years, and for making the release of the EPA's long-delayed Dioxin Reassessment a priority so that any additional steps to protect the public from one of the most toxic chemicals known to man can be taken.

As you know, dioxin causes a wide array of adverse health effects in both animals and humans. Dioxin is considered to be a "human carcinogen" by the World Health Organization's International Agency for Research on Cancer and the U.S. Department of Health and Human Services' National Toxicology Program. According to the U.S. EPA draft report on dioxin's health effects, the levels of dioxin-like compounds found in the general population may cause a lifetime cancer risk as high as one in 1,000. This is 1,000 times higher than the generally acceptable risk level of one in a million. Dioxin also causes a wide range of non-cancer effects including reproductive, developmental, immunological, and endocrine effects in both animals and humans. Babies are exposed to dioxin in the womb, and infants are exposed to dioxin in breast milk. Dioxin builds up in our bodies over our lifetime and can remain there for many years, since the half-life of dioxin (the amount of time it takes for half of a given amount of dioxin to break down) in people ranges from seven to 11 years.

The American people have waited for more than twenty years for EPA to complete its reassessment of the potential health risks of human exposure to dioxin. In 2001, the EPA's Science Advisory Board sent a letter to EPA Administrator Whitman to "proceed expeditiously to complete and release" the report. More than nine years later, this document has still not been completed.

We were very pleased that under your leadership, the EPA has developed a "science plan" to finalize and release the dioxin reassessment. The science plan stated, "By the end of 2010, EPA expects to complete the final dioxin human health and exposure assessment and release it to the public, subject to further consideration of the science." Once finalized, the information in EPA's reassessment can be used to help protect the

public from adverse health effects of dioxin exposure. We are concerned EPA has missed this self imposed deadline to finalize and release the report by the end of 2010.

We understand the EPA is waiting for the EPA Science Advisory Board (SAB) to complete its review of the EPA's response to the National Academies report on dioxin. Once this review is complete, we urge the EPA to move as quickly as possible to finalize and release the Dioxin Reassessment to the American public. We request your detailed timeline for finalizing and releasing the Dioxin Reassessment once the SAB review is complete.

Thank you for your attention to our concerns and for your commitment to human health and the environment.

Sincerely,

Rep. Edward J. Markey

Rep. Gary Ackerman

Rep. Tammy Baldwin

Rep. Karen Bass

Rep. Howard L. Berman

Rep. Madeleine Z. Bordallo

Rep. Earl Blumenauer

Rep. Lois Capps

Rep. Michael E. Capuano

Rep. Donna M. Christensen

Rep. Russ Carnahan

Rep. Gerry E. Connolly

Rep. John Olver

Rep. Frank Pallone, Jr.

Rep. Bill Pascrell, Jr.

Rep. Chellie Pingree

Rep. Jared Polis

Rep. Mike Quigley

Rep. Steven Rothman

Rep. Janice Schakowsky

Rep. Adam Schiff

Rep. José E. Serrano

Rep. Louise M. Slaughter

Rep. Jackie Speier

Rep. John Tierney

Rep. Paul Tonko

Rep. Edolphus Towns

Rep. Niki Tsongas

Rep. Nydia Valázquez

Rep. Chris Van Hollen

Rep. John Conyers, Jr.

Rep. Peter DeFazio

Rep. Rosa L. DeLauro

Rep. Keith Ellison

Rep. Sam Farr

Rep. Barney Frank

Rep. Raúl Grijalva

Rep. Maurice Hinchey

Rep. Steve Israel

Rep. Wm. Lacy Clay

Rep. Diana DeGette

Rep. Ted Deutch

Rep. Anna G. Eshoo

Rep. Bob Filner

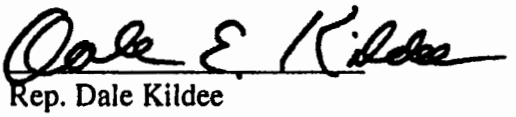
Rep. Marcia L. Fudge

Rep. Alcee L. Hastings

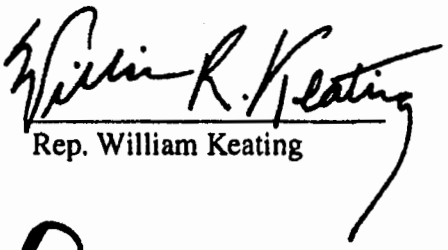
Rep. Mike Honda

Rep. Eddie Bernice Johnson

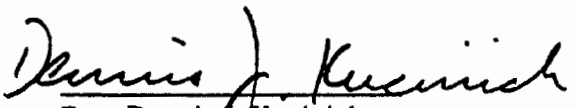
Rep. Jesse L. Jackson, Jr.



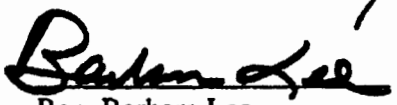
Rep. Dale Kildee



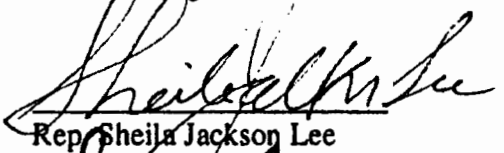
Rep. William Keating



Rep. Dennis J. Kucinich

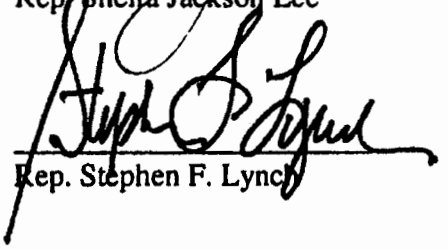


Rep. Barbara Lee

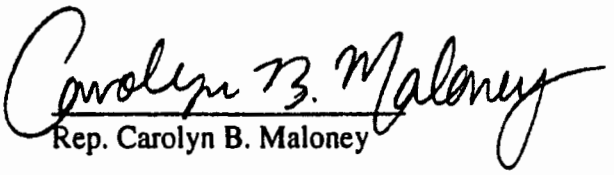


Rep. Sheila Jackson Lee

Rep. Sander Levin



Rep. Stephen F. Lynch



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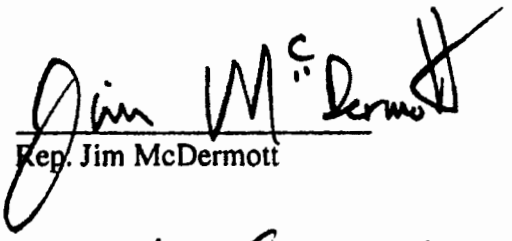
Rep. Doris Matsui

Rep. Betty McCollum



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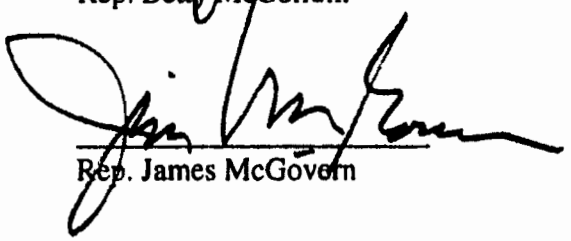
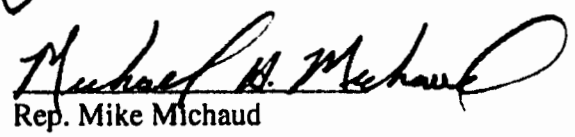
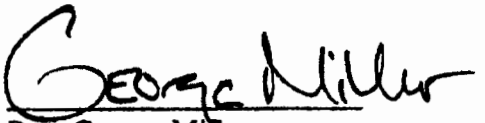


Rep. James McGovern

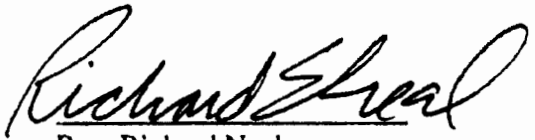


Rep. Mike Michaud

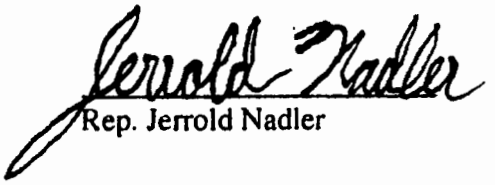
Rep. James Moran



Rep. George Miller



Rep. Richard Neal



Rep. Jerrold Nadler

Rep. Maxine Waters

Rep. Anthony Weiner

Rep. Peter Welch

Rep. Lynn Woosley

Rep. Judy Chu

Rep. Mike Thompson

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 16 2011

OFFICE OF
RESEARCH AND DEVELOPMENT

The Honorable Edward J. Markey
U.S. House of Representatives
2108 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Markey:

Thank you for your April 11, 2011, letter to the U.S. Environmental Protection Agency (EPA) regarding the timeline for finalizing EPA's dioxin reassessment. We appreciate your interest and support in quickly finalizing the reassessment. Assessing and managing the risks associated with dioxin has been one of Administrator Jackson's top priorities since she took office and we at EPA are committed to working toward a full scientific understanding of dioxin's effects on human health as soon as possible.

As you know, EPA's External Review Draft *Reanalysis of Key Issues Related to Dioxin Toxicity and Response to NAS Comments (Reanalysis)* is still undergoing external peer review. On February 9, 2011, the Agency's Science Advisory Board (SAB) Dioxin Review Panel released their draft report on the Reanalysis and on March 1-2, of 2011, the SAB Dioxin Review Panel evaluated its draft report during two public teleconferences. Based on these teleconferences, the SAB panelists are currently revising their draft report, and EPA anticipates receiving the Review Panel's final report this summer.

We received many useful comments during the public review process, and look forward to improving the Reanalysis once we receive the final SAB report. Following receipt of the SAB Dioxin Review Panel's final review, EPA anticipates completing the Reanalysis as expeditiously as possible. This will be one of my office's highest priorities. The timeline for completing the Reanalysis is contingent upon the release date and complexity of the Review Panel's final review comments.

Again, thank you for your letter. If you have further questions, please contact me or have your staff call David Piantanida in EPA's Office of Congressional and Intergovernmental Relations at 202-564-8318.

Sincerely,

Paul T. Anastas

Paul T. Anastas
Assistant Administrator

AL-10-001-0734

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

JOE BARTON, TEXAS
RANKING MEMBER

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

June 24, 2010

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

I write to request additional information on the use of dispersants as a means to mitigate the effects of the oil that has been spewing into the Gulf of Mexico for 9 weeks, As slicks and plumes of oil and gas expand in the Gulf, the list of unknowns that surround the disaster's impact on the marine life and human health continue to grow.

Although I appreciate your May 27 response to my May 17, 2010 letter, I am concerned that your response left many questions unanswered, in part because of the timeframes required to perform necessary scientific analysis. Additionally, while the volume of dispersant BP was using following your May 26, 2010 directive was consistent with your request that the use of Corexit be greatly reduced, BP has yet to achieve the overall goal set forth by the EPA and US Coast Guard.

One of BP's primary mitigation strategies involves the application of chemical dispersants to break the oil into tiny droplets that scatter in the ocean and may be more readily consumed by microbes. These chemicals are being sprayed onto the surface of the ocean, and for the first time in U.S. history are also being applied at the source of the leak, almost one mile below sea surface. Millions of gallons of chemical dispersant have been added to the Gulf waters, contributing to a toxic stew of chemicals, oil and gas with impacts that are not well understood.

There has been much speculation that the use of dispersants has contributed to the formation of large plumes or clouds of oil that are suspended well below the ocean

surface. Many experts have raised concerns about these plumes' potential to cause significant harm to aquatic life in the Gulf of Mexico. This can occur via two mechanisms. First, the toxic constituents of oil and dispersants can poison the aquatic life exposed to them and may lead to death or non-lethal harm to species and contamination of the marine food chain. Second, as naturally-occurring bacteria consume the oil, they also use up oxygen that is critical to the survival of many marine organisms. This can in turn lead to localized depletions of oxygen levels that could cause marine life to die of asphyxiation. Oxygen depleted at the depths that these plumes have been found can take years to replenish, causing long-term damage to the deep Gulf ecosystem. On June 23, 2010, NOAA scientists re-confirmed the existence of these plumes, and additionally confirmed that their characteristics are consistent with the use of chemically-dispersed oil.

In light of environmental concerns about dispersants, on May 20, 2010 EPA and the U.S. Coast Guard directed BP to identify and start using a dispersant that is of lower toxicity and higher efficacy than Corexit, the trademarked name for the most toxic and least effective of the EPA-approved dispersants. After receiving BP's response, which defended the company's choice in selecting Corexit, EPA and the U.S. Coast Guard announced that they were not satisfied with BP's evaluation of alternatives and that EPA would undertake its own independent evaluation to determine the best dispersant available in the volumes necessary for this crisis. In the meantime, EPA and the U.S. Coast Guard directed BP to reduce the overall volume of dispersant by 75% from the maximum daily amount used (70,000 gallons per day) and to completely eliminate surface application of dispersants unless absolutely necessary.

An analysis of BP's recent dispersant use indicates that the company has not eliminated the surface application of dispersants, and although it has reduced the amount of dispersant used subsurface at the well head, it has exceeded the recommended daily level of 15,000 gallons at times. The surface application volumes, while reduced by approximately 50%, have in no way ceased, as daily volumes used hover around 10,000 gallons.

In your May 27th letter you described some technical aspects of the "Rocky Shore Test" which is a requirement for dispersant approval in the United Kingdom and was failed by the Corexit products currently being used in the Gulf. In this test, a type of snail, the common limpet, is sprayed with oil alone (which is highly lethal) or with dispersant alone, and the number of snails that lose adhesion (which for purposes of the test are considered to be dead) are counted. Your letter describes this test as being a measure of "relative harm", as compared to oil alone, and not a measure of "inherent toxicity", but when reviewing the results of the Corexit Rocky Shore test (Attachment 1), I was shocked to learn that Corexit dispersant alone was as much as twice as lethal as oil—a result that is of grave significance.

Finally, a month has passed since EPA launched its independent investigation into alternative dispersants. While I understand this type of scientific evaluation takes time to accomplish, I am writing to get an update on the progress of these studies as well as to follow up on your response to my May 17, 2010 letter. Consequently, I ask that you

respond to the following questions.

1. As you know, both Corexit 9500 and 9527 were removed from the UK list of approved dispersants for near-shore use over a decade ago, because they failed to pass the required "Rocky Shore Test" since use of the Corexit products alone were more lethally toxic to a common sea snail than oil.
    a. Has EPA explored the effect Corexit 9500, the dispersant currently being used in the Gulf of Mexico, may have on similar grazing organisms, such as sea slugs and squids that are present in the Gulf of Mexico? If, so which species did you evaluate and what were the results of these tests? If not, why not?
    b. Has EPA evaluated the potential for dispersants mixed into underwater plumes to travel to areas of Florida that have shores that may be similar to a "rocky shore"? If so, has EPA determined what effect these chemicals may have on rocky shore organisms?

2. What types of tests is EPA performing on dispersants other than Corexit to determine if there are any less toxic and more effective alternatives to aid in the mitigation efforts? Is EPA evaluating BP's claim that some other dispersant ingredients break down into chemicals that may have endocrine disrupting properties? Please provide all results of this evaluation.

3. As EPA moves forward, what type of revisions does it plan on making to the way in which dispersants are evaluated for addition to the National Contingency Plan (NCP) Product Schedule?

4. In its May 26, 2010 directive[1] EPA and the U.S. Coast Guard instructed BP to eliminate surface application of dispersants, except in rare cases. While in the few days following the directive, the amount of surface application was reduced significantly, BP has not ceased surface application of dispersant. In fact for the last few days, more than 10,000 gallons of dispersants have been applied daily to the surface waters of the Gulf of Mexico. While this is a 50% reduction from the pre-directive daily average of approximately 20,000 gallons, the average daily volumes are certainly not zero.
    a. The May 26, 2010 directive explicitly stated that if BP wanted to use surface dispersant it needed to make a request in writing to the Federal on Scene Coordinator for approval by the United States Coast Guard. Please provide me with copies of the BP requests to the United States Coast Guard, and any EPA feedback provided to the Coast Guard as these requests were considered.
    b. The directive also instructed BP to use no more than 15,000 gallons per day of dispersant subsurface at the site of the well head. Since the directive was issued, BP has exceeded this daily maximum on four

[1] http://www.epa.gov/bpspill/dispersants/directive-addendum3.pdf

occasions (May 28, May 30, June 6, and June 20). Please provide me with copies of the BP requests to the United States Coast Guard, and any EPA feedback provided to the Coast Guard as these requests were considered.

5. On May 20, 2010 the Department of Homeland Security (DHS) and EPA wrote a letter to BP CEO, Tony Hayward, urging that the company make publically available all information and data related to the Deepwater Horizon oil spill on a website to be updated by BP daily. BP responded to this request committing to make every effort to collect and upload relevant data to BP's website. At a hearing held by the Oversight and Investigations Subcommittee of the Energy and Commerce Committee on June 17, in response to one of my questions, Mr. Hayward testified that all data and information made by BP is "being published, as we make them, on a variety of web sites." It is my understanding that EPA is publishing only a portion of the data submitted by BP.
    a. Has EPA confirmed that all the data submitted by BP is in fact being published? If so, where? If not, what steps will EPA take to ensure that BP is being transparent with all data and information relating to the Deepwater Horizon oil spill and related clean up efforts?

Thank you for your assistance and cooperation in responding to this request. Should you have any questions, please have your staff contact Dr. Michal Freedhoff of the Subcommittee staff or Dr. Avenel Joseph of my staff at 202-225-2836.

Sincerely,

Edward J. Markey

Edward J. Markey
Chairman
Subcommittee on Energy and Environment

cc. The Honorable Henry A. Waxman
Chairman, House Energy and Commerce Committee

The Honorable Joe Barton
Ranking Member, House Energy and Commerce Committee

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and Environment

Attachment 1

Toxicity Test Analysis v0.3

1st Run

B100 Rocky Shore test (6 hours exposure and 72 hours recove[illegible]) 08/06/98

Reference: Fresh Kuwait Crude Oil, 4/96 :

Tank no.	no. dead	no. alive	no. in tank	%Mortality
1	8	12	20	40.0
2	6	14	20	30.0
3	17	3	20	85.0
4	8	12	20	40.0
5	10	10	20	50.0
Total	49	51	100	49.00

Chi-squared	14.566
d.f.	4
p-value for chi-squared test	0.012

Testing at 5% significance level,
Reference tanks are NOT HOMOGENEOUS

Test Treatment: Corexit EC9500 (495) :
2/3 , 10 %

Tank no.	no. dead	no. alive	no. in tank	%Mortality
6	17	3	20	85.0
7	15	5	20	75.0
8	18	2	20	90.0
9	17	3	20	85.0
10	17	3	20	85.0
Total	84	16	100	84.00

Chi-squared	1.786
d.f.	4
p-value for chi-squared test	0.775

Testing at 5% significance level,
Treatment tanks are HOMOGENEOUS

COMPARISON OF MORTALITY RATES

Reference %mortality 49.00
Treatment %mortality 84.00

D, Treatment %mortality - Reference %mortality **35.00**

Standard error of **D** 6.20

95% Confidence interval for **D** 22.8 to 47.2

H0: treatment mort. = reference mort. , H1: treatment mort. > reference mort.

Test statistic 5.65 p-value = 0.000

Treatment mortality > reference mortality
and INCREASE IS SIGNIFICANT at 5% significance level

TEST INVALID: Reference tanks are not homogeneous

Notes:
Reference notes appear here

Data entered by:
Date:

Checked by:
Date:

Attachment 1

Toxicity Test Analysis v0.3

1st Run

B100 Rocky Shore test (6 hours exposure and 72 hours recovery) 08/06/98

Reference: Fresh Kuwait Crude Oil, 4/96 :

Tank no.	no. dead	no. alive	no. in tank	%Mortality
1	8	12	20	40.0
2	6	14	20	30.0
3	17	3	20	85.0
4	8	12	20	40.0
5	10	10	20	50.0
Total	49	51	100	49.00

Chi-squared	14.566
d.f.	4
p-value for chi-squared test	0.012

Testing at 5% significance level,
Reference tanks are NOT HOMOGENEOUS

Test Treatment: Corexit EC9527 (496) :
2/3 , 10 %

Tank no.	no. dead	no. alive	no. in tank	%Mortality
11	15	5	20	75.0
12	11	9	20	55.0
13	15	5	20	75.0
14	12	8	20	60.0
15	11	9	20	55.0
Total	64	36	100	64.00

Chi-squared	3.646
d.f.	4
p-value for chi-squared test	0.456

Testing at 5% significance level,
Treatment tanks are HOMOGENEOUS

COMPARISON OF MORTALITY RATES

Reference %mortality 49.00
Treatment %mortality 64.00

D, Treatment %mortality - Reference %mortality **15.00**

Standard error of **D** 6.93

95% Confidence interval for **D** 1.4 to 28.6

H0: treatment mort. = reference mort. , H1: treatment mort. > reference mort.

Test statistic 2.16 p-value = 0.015

Treatment mortality > reference mortality
and INCREASE IS SIGNIFICANT at 5% significance level

TEST INVALID: Reference tanks are not homogeneous

Notes:
Reference notes appear here
Treatment notes appear here

Data entered by:
Date:

Checked by:
Date:

Attachment 1

Toxicity Test Analysis v0.3

2nd Run

B10[illegible] Rocky Shore test (6 hours exposure and 72 hours recovery) 19/06/98

Reference: Fresh Kuwait Crude Oil, 4/96 :

Tank no.	no. dead	no. alive	no. in tank	%Mortality
1	6	14	20	30.0
2	7	12	19	36.8
3	5	15	20	25.0
4	6	13	19	31.6
5	12	8	20	60.0
Total	36	62	98	36.73

Chi-squared	6.451
d.f.	4
p-value for chi-squared test	0.265

Testing at 5% significance level,
Reference tanks are HOMOGENEOUS

Test Treatment: Corexit EC9500 (495) :
2/3 , 10 %

Tank no.	no. dead	no. alive	no. in tank	%Mortality
11	14	6	20	70.0
12	19	1	20	95.0
13	16	4	20	80.0
14	15	5	20	75.0
15	14	6	20	70.0
Total	78	22	100	78.00

Chi-squared	5.012
d.f.	4
p-value for chi-squared test	0.286

Testing at 5% significance level,
Treatment tanks are HOMOGENEOUS

COMPARISON OF MORTALITY RATES

Reference %mortality 36.73
Treatment %mortality 78.00

D, Treatment %mortality - Reference %mortality **41.27**

Standard error of D 6.39

95% Confidence Interval for D 28.7 to 53.8

H0: treatment mort. = reference mort. , H1: treatment mort. > reference mort.

Test statistic 6.45 p-value = 0.000

Treatment mortality > reference mortality
and INCREASE IS SIGNIFICANT at 5% significance level

Notes:
Reference notes appear here
Treatment notes appear here

Data entered by:
Date:

Checked by:
Date:

Attachment 1

Toxicity Test Analysis v0.3

2nd Run

B100 Rocky Shore test (6 hours exposure and 72 hours recovery) 19/06/98

Reference: Fresh Kuwait Crude Oil, 4/96 :

Tank no.	no. dead	no. alive	no. in tank	%Mortality
1	6	14	20	30.0
2	7	12	19	36.8
3	5	15	20	25.0
4	6	13	19	31.6
5	12	8	20	60.0
Total	36	62	98	36.73

Chi-squared	6.451
d.f.	4
p-value for chi-squared test	0.265

Testing at 5% significance level,
Reference tanks are HOMOGENEOUS

Test Treatment: Corexit EC9527 (496) :
2/3 , 10 %

Tank no.	no. dead	no. alive	no. in tank	%Mortality
11	11	9	20	55.0
12	11	9	20	55.0
13	12	8	20	60.0
14	15	5	20	75.0
15	7	13	20	35.0
Total	56	44	100	56.00

Chi-squared	6.656
d.f.	4
p-value for chi-squared test	0.155

Testing at 5% significance level,
Treatment tanks are HOMOGENEOUS

COMPARISON OF MORTALITY RATES

Reference %mortality 36.73
Treatment %mortality 56.00

D, Treatment %mortality - Reference %mortality **19.27**

Standard error of **D** 6.95

95% Confidence interval for **D** 5.6 to 32.9

H0: treatment mort. = reference mort. , H1: treatment mort. > reference mort.

Test statistic 2.77 p-value = 0.003

Treatment mortality > reference mortality
and INCREASE IS SIGNIFICANT at 5% significance level

Notes:
Reference notes appear here
Treatment notes appear here

Data entered by: Checked by:
Date: Date:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 0 5 2010

THE ADMINISTRATOR

The Honorable Edward J. Markey
Chairman
Subcommittee on Energy and Environment
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Thank you for your June 24, 2010 letter requesting additional information from the U.S. Environmental Protection Agency (EPA) relating to the use of dispersants in the Gulf of Mexico following the April 20, 2010 Deepwater Horizon mobile offshore drilling unit explosion and resulting oil spill. Since these events, the Administration's efforts have focused on responding to the disaster and ensuring that the responsible parties stop the discharge, remove the oil, and pay for all costs and damages.

EPA recognizes and shares your concern regarding the use of large quantities of dispersants during operations to contain the spill. As you know, EPA is working closely with its federal partners to ensure vigorous oversight of dispersant use and that an aggressive dispersant monitoring plan is implemented by BP and that data are regularly and rigorously reviewed. EPA and United States Coast Guard (USCG) efforts have resulted in a 75 percent drop in dispersant use from its peak levels. I believe that as the flow of oil is reduced or stopped, we must severely curtail use of dispersants.

Enclosed are responses to your specific questions. Please be assured that the Agency is committed to continuing to provide full support to the USCG and the Unified Command (UC), and will continue to take a proactive and robust role in monitoring, identifying, and responding to potential public health and environmental concerns. If you have further questions or if we can be of further assistance, please don't hesitate to contact me, or your staff may contact Arvin Ganesan at (202) 564-4741.

Sincerely,

Lisa P. Jackson

Enclosure

Enclosure

1. As you know, both Corexit 9500 and 9527 were removed from the UK list of approved dispersants for near-shore use over a decade ago, because they failed to pass the required "Rocky Shore Test" since use of the Corexit products alone were more lethally toxic to a common sea snail than oil.

a. Has EPA explored the effect Corexit 9500, the dispersant currently being used in the Gulf of Mexico, may have on similar grazing organisms, such as sea slugs and squids that are present in the Gulf of Mexico? If, so which species did you evaluate and what were the results of these tests? If not, why not?

Response: EPA has not yet explored the effect of Corexit E9500A on grazing organisms because the water monitoring data we have to date do not show that dispersant is persisting in the water column or settling to the sea floor where such organisms exist. EPA and the USCG do not allow dispersant application on shorelines or within three nautical miles of shore.

b. Has EPA evaluated the potential for dispersants mixed into underwater plumes to travel to areas of Florida that have shores that may be similar to a "rocky shore"? If so, has EPA determined what effect these chemicals may have on rocky shore organisms?

Response: As noted previously, the water monitoring data we have to date does not show that dispersant is persisting in the water column. In addition, EPA and the USCG do not allow dispersant application on shorelines or within three nautical miles of shore. Consequently, organisms that exist in "rocky shore-like" environments would not be exposed.

It is important to clarify that the UK "Rocky Shore Test" does not measure organism lethality or toxicity per se. A dispersant may fail the "Rocky Shore Test" if test species (Common Limpet [*Patella vulgaris*]) experience a "loss of adhesion" due to the presence of surfactants in the product. Any limpets which detach during the test, whether alive or dead, are counted as dead. Consequently, it cannot be concluded from the test data that the Corexit products are more lethally toxic than the Kuwaiti Crude oil used in the test. EPA has already conducted laboratory tests to determine the lethal concentration of Corexit to two aquatic species. These results show that Corexit is practically non-toxic to one species and slightly toxic to the other. Corexit is less toxic than oil and we are in the process of determining the lethal concentration of the Louisiana Crude oil alone and the crude oil mixed with dispersant to two aquatic species to confirm.

2. What types of tests is EPA performing on dispersants other than Corexit to determine if there are any less toxic and more effective alternatives to aid in the mitigation efforts? Is EPA evaluating BP's claim that some other dispersant ingredients break down into chemicals that may have endocrine disrupting properties? Please provide all results of this evaluation.

Response: Following BP's response, and to ensure that decisions about ongoing dispersant use in the Gulf of Mexico are grounded in the best available science and data, EPA began its own scientific testing of eight dispersant products on the National Contingency Plan (NCP) Product Schedule. These dispersant products are: Dispersit SPC 1000, Nokomis 3-F4, Nokomis 3-AA, ZI-400, SAF-RON GOLD, Sea Brat #4, Corexit 9500A and JD-2000. EPA required toxicity tests to standard test species, including a sensitive species of Gulf of Mexico invertebrate (mysid shrimp) and fish (silverside) which are common species in Gulf of Mexico estuarine habitats. These species are considered to be representative of the sensitivity of many species in the Gulf of Mexico, based on years of toxicity testing with other substances. These tests were designed to determine toxicity effects so that a relative comparison could be made. They were conducted over a range of concentrations, including those much greater than what aquatic life is expected to encounter in the Gulf.

On June 30, 2010, EPA released the results of initial screening tests to assess cytotoxicity (cell death), endocrine activity, and acute toxicity of eight available dispersants. *In vitro* assays were used to test the degree to which these eight dispersants are toxic to various types of mammalian cells. The results indicated that none of the eight dispersants tested, including the product currently in use in the Gulf, COREXIT 9500 A, displayed biologically significant endocrine disrupting activity.

While the results showed that dispersant products alone (not mixed with oil) have roughly the same impact on aquatic life, JD-2000 and Corexit EC9500A were generally less toxic to silverside fish and JD-2000 and SAF-RON GOLD were least toxic to mysid shrimp. Two dispersants showed a weak signal in one of the four estrogen receptor (ER) assays, but integrating over all of the ER and androgen receptor (AR) results these data do not indicate that any of the eight dispersants display biologically significant endocrine activity via the androgen or estrogen signaling pathways. None of the dispersants triggered cell death at the concentrations of dispersants expected in the Gulf.

The results from the second phase of EPA's testing, released on August 2, 2010, demonstrate that for all eight dispersants tested on both test species, the dispersant alone was less toxic than the dispersant-oil mixture. Tests on oil alone had similar toxicity to mysid shrimp as the tests on dispersant-oil mixtures, with the exception of the mixture of Nokomis 3-AA and oil, which was found to be more toxic. Oil alone was found to be more toxic to mysid shrimp than the eight dispersants when tested alone (data for the silverside fish was inconclusive and are being re-tested with oil alone). The dispersant-oil mixtures can be generally categorized in the moderately toxic range. These externally peer reviewed results indicate that the eight dispersants, when tested alone and in combination with oil, are similar to one another. The results of this testing are posted on EPA's website: http://www.epa.gov/bpspill/reports/phase2dispersant-toxtest.pdf To date, for subsurface monitoring, we have not seen dissolved oxygen levels approach levels of concern to aquatic life and no excessive mortality in rotifers. This confirms that the dispersant used in response to the Gulf oil spill, Corexit 9500A, is generally no more or less toxic than the other available and tested alternatives.

3. As EPA moves forward, what type of revisions does it plan on making to the way in which dispersants are evaluated for addition to the National Contingency Plan (NCP) Product Schedule?

Response: Given the circumstances associated with the current spill, EPA will undertake a review and evaluation of existing laws and regulations regarding dispersants for potential revision. Issues to address include toxicity, efficacy, and other criteria associated with EPA's NCP Sub-part J regulation and the development of new tests and criteria.

4. In its May 26, 2010 directive[1] EPA and the U.S. Coast Guard instructed BP to eliminate surface application of dispersants, except in rare cases. While in the few days following the directive, the amount of surface application was reduced significantly, BP has not ceased surface application of dispersant. In fact for the last few days, more than 10,000 gallons of dispersants have been applied daily to the surface waters of the Gulf of Mexico. While this is a 50% reduction from the pre-directive daily average of approximately 20,000 gallons, the average daily volumes are certainly not zero.

> **a. The May 26, 2010 directive explicitly stated that if BP wanted to use surface dispersant it needed to make a request in writing to the Federal on Scene Coordinator for approval by the United States Coast Guard. Please provide me with copies of the BP requests to the United States Coast Guard, and any EPA feedback provided to the Coast Guard as these requests were considered.**
>
> **b. The directive also instructed BP to use no more than 15,000 gallons per day of dispersant subsurface at the site of the well head. Since the directive was issued, BP has exceeded this daily maximum on four occasions (May 28, May 30, June 6, and June 20). Please provide me with copies of the BP requests to the United States Coast Guard, and any EPA feedback provided to the Coast Guard as these requests were considered.**

Response:

Since EPA and USCG issued this directive, dispersant use has fallen by 75% from its peak levels. BP's requests for dispersant use must include information indicating that all other methods of spill recovery and response, such as in situ burning and skimming, are being used to the maximum extent possible before relying on dispersants. EPA has provided input to USCG, the Federal On-Scene Coordinator (FOSC), to encourage the reduction of surface application of dispersants so that they are used only when other response methods are not feasible, and to require BP to demonstrate that the minimum of dispersant is used. USCG is the ultimate authority with respect to these variances. In addition, the National Incident Commander has worked very closely with the EPA Administrator to support careful monitoring and assessment of dispersants.

BP's requests to the United States Coast Guard are available at:
http://www.deepwaterhorizonresponse.com/go/doctype/2931/57851/

5. On May 20, 2010 the Department of Homeland Security (DHS) and EPA wrote a letter to BP CEO, Tony Hayward, urging that the company make publically available all information and data related to the Deepwater Horizon oil spill on a website to be updated by BP daily. BP responded to this request committing to make every effort to collect and upload relevant data to BP's website. At a hearing held by the Oversight and Investigations Subcommittee of the Energy and Commerce Committee on June 17, in response to one of my questions, Mr. Hayward testified that all data and information made by BP is "being published, as we make them, on a variety of web sites." It is my understanding that EPA is publishing only a portion of the data submitted by BP.

> **a. Has EPA confirmed that all the data submitted by BP is in fact being published? If so, where? If not, what steps will EPA take to ensure that BP is being transparent with all data and information relating to the Deepwater Horizon oil spill and related clean up efforts?**

Response: EPA has reviewed the data BP has published and has confirmed that the data posted on its website addresses the May 20, 2010 letter. BP has been posting environmental data on its publicly available website at www.BP.com by a variety of methods, including tablature and spatial methods. BP has also been providing its environmental data to EPA's analytical data management system. EPA and USCG will continue to insist that BP provide comprehensive information and will continue to ensure that BP is being transparent and forthcoming with environmental data and information relating to the Deepwater Horizon oil spill and related clean up efforts and will take appropriate steps when deficiencies are found.

AL-09-001-4905

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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FACSIMILE (202) 225-2525
MINORITY (202) 225-3641

energycommerce.house.gov

October 2, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

On June 26, 2009, the House of Representatives approved H.R. 2454, the American Clean Energy and Security Act. As Congress continues its consideration of this legislation, debate is likely to cite the results of economic models that project the potential impacts of this legislation.

Models are not crystal balls which allow us to predict the future. Even modeling by the EPA in 1990 overstated the costs of the Clean Air Act program to cut acid rain pollution. However, we recognize that models based on reasonable assumptions can be used to inform policy decisions and evaluate various policy choices.

In order to better understand the modeling that is informing public debate, we are writing to request that your organization provide more details about the approach and assumptions used in your analysis of the climate legislation. We are making identical requests to other governmental and nongovernmental entities that have made modeling results publicly available. We hope that this transparency will allow members of Congress and the public to put model results in appropriate context.

We request that you answer the attached a list of questions regarding your recent analysis: "EPA Analysis of the American Clean Energy and Security Act of 2009, H.R. 2454 in the 111th Congress." In order to ensure that this information is available on a timely basis, please respond no later than October 15, 2009. Thank you for your assistance with this matter.

Sincerely,

Henry A. Waxman
Chairman

Edward J. Markey
Chairman
Subcommittee on Energy and Environment

cc: The Honorable Joe Barton
Ranking Member

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and
Environment

Details on the analytical approach behind the economic model(s) used in the analysis

1. Does the model quantify any benefits of avoided climate change? If so, how?

2. Does the model quantify the benefits of reductions in air pollution (Clean Air Act criteria or hazardous air pollutants) which will occur as a result of the policy? If so, how?

3. Does the model quantify benefits from provisions that remove barriers to cost-effective energy efficiency measures? If so, how?

4. Does the model capture increased private sector investments in research and development as a result of the legislation and new carbon market? If so, how?

5. What assumptions are made about international actions to reduce emissions?

6. Have you reported a state or regional level analysis within the United States? If so, describe the additional assumptions used.

7. Many models are calibrated against a single base year. If this is the case with your model, what year is used?

Reference case assumptions

1. Does the analysis rely on a preexisting, public set of reference case assumptions (e.g. Annual Energy Outlook (AEO) 2009)? If so, please provide the source information and list, in detail, all modifications that were made to the reference case.

2. If a preexisting set of reference case assumptions was not used, what are the reference case assumptions for changes in gross domestic product, population, emissions, energy (fossil and renewable fuel) use and energy prices? What are the assumed costs and performance of technology options (wind, solar, nuclear, biomass, carbon capture and sequestration (CCS))?

3. Are existing federal and state policies included in the model (e.g. Corporate Average Fuel Economy (CAFE), other Energy Independence and Security Act of 2007 (EISA) provisions, state renewable portfolio standards, state cap and trade systems, utility decoupling)? If so, how?

4. Are any recently enacted or adopted energy or climate policies not represented in the model (e.g. H.R. 1 or recently revised CAFE standards)? Are the recently proposed greenhouse gas standards for light duty vehicles incorporated into the reference case?

5. Does the reference case capture how concerns over greenhouse gas emissions, especially expectations of greenhouse gas regulation, impact the behavior of investors? If so, how is this modeled (e.g., AEO 2009 adds a cost penalty when assessing investments in greenhouse gas-intensive technology)?

6. Does your reference case include any regulations that would be adopted by EPA, as required under current Clean Air Act authority (i.e. Massachusetts vs. EPA), or any other clean energy policies likely to be adopted by Congress over the time scale of the model?

Policy case assumptions

1. Does the analysis model H.R. 2454? If so, which version of H.R. 2454 (discussion draft, as introduced, reported from committee, reported from the House of Representatives) is modeled?

2. Does the model constrain the adoption of new or existing technologies in the policy case (e.g. nuclear, CCS, solar, biomass or wind)? Please describe any limits in detail.

3. Does the model capture the benefits of federal research & development expenditures on technology deployment and cost? If so, how?

4. How does the model capture supplemental energy efficiency policies in the legislation? Please list any energy efficiency provisions which have been modeled.

5. How does the model capture supplemental policies in the transportation sector? Please list the transportation sector provisions which have been modeled.

6. How does the model capture supplemental policies in the electric power sector? Please list the power-sector policies which have been modeled.

7. How does the model capture supplemental policies in the industrial sector (e.g. output-based rebates)? Please list the supplemental policies in the industrial sector which have been modeled.

8. How does the model incorporate the banking and borrowing provisions of the bill? If the model's outlook is shorter than that of the bill, how is the bank balance determined for the last year of the model? What interest rate is used to determine banking behavior?

9. Please list any sections of the legislation which have not been modeled. List separately any policies assumed in the policy case which are not in the legislation.

10. How are allocations of emission allowances or revenues from auctions of such allowances recycled into the economy in the model?

11. Are any rebates to households (or firms) through local distribution companies (LDCs), tax cuts, dividend checks, or other mechanisms captured in the model?

12. What are the assumptions for domestic and international offset supply and cost (i.e. what offset marginal abatement cost curves are used and have they been modified in any way for the purposes of this analysis)? Please describe, in detail, any limits placed on the supply or usage of offset for compliance.

13. Please outline the key differences between the primary policy scenario and any sensitivity scenarios.

Details on the interpretation and presentation of results

1. Are policy case outputs presented in comparison to the appropriate corresponding reference case scenario (e.g. is a high oil price reference case used for comparison to a policy case with high oil price assumptions)?

2. Are statements about the impact of the legislation made relative to current levels or relative to the appropriate reference case year?

3. Consumers pay energy bills, not energy prices. Are net household energy expenditures presented or only changes in per unit energy prices? Do those expenditures or prices reflect the impact of allowance allocations (e.g. LDC allocations)?

4. Do predictions about household expenditures account for the effect of energy efficiency policies in the legislation?

5. Are energy price changes presented as wholesale prices or the retail prices consumers actually pay?

6. Describe in detail what is (and is not) included in your measure(s) of welfare, income, or consumption. Do reported changes in household income, welfare or consumption reflect any rebates, allowance allocations or tax credits?

7. If job impacts are discussed in your report, please describe in detail how any job impacts are calculated and provide the number of jobs in the model for 2009. For any year in which job impacts are discussed, please provide the total number of jobs in the model output for both the reference and policy scenario(s).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 20 2009

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of October 2, 2009, regarding EPA's analysis of H.R 2454. Our responses to your specific questions are attached.

Again, thank you for your letter. If you have further questions, please contact me, or your staff may call Cheryl Mackay, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-2023.

Sincerely,

Gina McCarthy
Assistant Administrator

Details on the analytical approach behind the economic model(s) used in the analysis

1. No.

2. No.

3. Yes, see page 18 of EPA's analysis of H.R. 2454, and pages 33 - 44 of the appendix to EPA's analysis of H.R. 2454.

4. No.

5. See page 7 of EPA's analysis of H.R. 2454.

6. See pages 78 – 82 of the appendix to EPA's analysis of H.R. 2454.

7. The ADAGE model combines a variety of data sources to create a balanced social accounting matrix (SAM) for each of its modules that characterizes a base year for the economy, accounting for all economic interactions among agents. The starting point for the International module is the GTAP data, while the US Regional module is based on IMPLAN data. Each of these SAMs contains data on the value of output of each industry, payments for factors of production and intermediate input purchases by each industry, household income and consumption patterns, government purchases, taxes, investment, and trade flows. The GTAP data (Version 6) contain a balanced SAM with 87 regions and 57 sectors for the year 2001, and the IMPLAN data cover similar information for the 50 U.S. states (plus the District of Columbia) and 509 industries for the year 2004.

   IGEM is an empirically based model of the growth and structure of the U.S. economy. This is in contrast to the dominant tradition in general equilibrium modeling, where the models are calibrated to data from a social accounting matrix (SAM) and a relatively small number of parameters are selected from literature reviews, instead of being based on econometric methods. IGEM parameters are estimated econometrically from a historical data base spanning the period from as early as the late 1950's to the middle of the current decade. The data base revolves around a time series of input-output (IO) tables put together by the Bureau of Labor Statistics (BLS) and the benchmark tables prepared by the Bureau of Economic Analysis (BEA).

Reference case assumptions

1. The ADAGE and IGEM models rely on the AEO 2009 March release (see page 7 of EPA's analysis of H.R. 2454), and the IPM model relies on the AEO 2009 April release (see pages 22-23 of EPA's analysis of H.R. 2454).

2. N/A.

3. Existing federal and state policies are included in our analysis if they are included in the AEO 2009 reference case (March release for ADAGE and IGEM, April release for IPM).

4. Recently enacted or adopted policies that are not included in the AEO 2009 reference case (March release for ADAGE and IGEM, April release for IPM) are not included in the analysis. H.R. 1 is included in the April release of AEO 2009 but not included in the March release. The AEO 2009 reference cases do not include the recently proposed greenhouse gas standards for light duty vehicles.

5. This is captured to the extent that it is captured in the AEO 2009 reference case (March release for ADAGE and IGEM, April release for IPM).

6. The analysis only captures regulations that are incorporated into the AEO 2009 reference case (March release for ADAGE and IGEM, April release for IPM).

Policy case assumptions

1. The analysis models H.R. 2454 as it was reported from the House Energy and Commerce Committee.

2. Yes, see page 10 of EPA's analysis of H.R. 2454, and page 95 of the appendix to EPA's analysis of H.R. 2454.

3. No.

4. Yes, see page 18 of EPA's analysis of H.R. 2454, and pages 33 - 44 of the appendix to EPA's analysis of H.R. 2454.

5. EPA's analysis did not include supplementary policies for the transportation sector (e.g. the heavy duty vehicle GHG standards in H.R. 2454).

6. See pages 23-24 of EPA's analysis of H.R. 2454 and pages 2 – 7 of the appendix to EPA's analysis of H.R. 2454 for a discussion of which provisions of H.R. 2454 are modeled in EPA's analysis. Allocations to LDC's are assumed to be used to lower electricity prices for residential rate payers.

7. See pages 2 – 7 of the appendix to EPA's analysis of H.R. 2454 for a discussion of which provisions of H.R. 2454 are modeled in EPA's analysis. See pages 75 – 77 of the appendix to EPA's analysis of H.R. 2454 for a discussion of how output based rebates are represented in ADAGE.

8. See pages 32 of the appendix to EPA's analysis of H.R. 2454 for a discussion of. banking.

9. See pages 2 – 7 of the appendix to EPA's analysis of H.R. 2454 for a discussion of which provisions of H.R. 2454 are modeled in EPA's analysis.

10. See page 15 of EPA's analysis of H.R. 2454, and page 15 of the appendix to EPA's analysis of H.R. 2454.

11. Yes, all rebates to households specified in H.R. 2454 are captured. See page 15 of EPA's analysis of H.R. 2454, and page 15 of the appendix to EPA's analysis of H.R. 2454.

12. See pages 18 - 32 of the appendix to EPA's analysis of H.R. 2454 for a discussion of EPA's modeling of offsets.

13. See pages 8 - 9 of the appendix to EPA's analysis of H.R. 2454 for a discussion of the scenarios included in the analysis.

Details on the interpretation and presentation of results

1. Yes.

2. The impacts of the legislation are generally presented relative to the appropriate reference case year, and information is generally available to also compare to the base year.

3. Both changes in energy prices and household energy expenditures are presented.

4. Yes.

5. ADAGE presents retail energy prices.

6. The welfare metric used in the analysis is household consumption. This metric includes the effects of higher energy prices, price changes for other goods and services, impacts on wages and returns to capital, and importantly, the above cost estimates reflect the value of emissions allowances returned lump sum to households, which offsets much of the cap-and-trade program's effect on household consumption. The cost does not include the impact on leisure.

7. Job impacts are not discussed.

AL-09-001-0538

COMMITTEES

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CHAIRMAN

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ENERGY INDEPENDENCE AND
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CHAIRMAN

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http://markey.house.gov

Congress of the United States

House of Representatives

Washington, DC 20515–2107

July 8, 2009

Ms. Gina McCarthy
Assistant Administrator
US Environmental Protection Agency
Office of Air & Radiation
1200 Pennsylvania Avenue, NW
Washington, DC 20760

RE: Climate Showcase Communities Grant Program

Dear Ms. McCarthy:

It is my sincere pleasure to offer my support to the City of Medford's application for funding from the Environmental Protection Agency's Climate Showcase Communities Grant Program. The City of Medford, under the direction of Mayor McGlynn, intends to use this funding to install solar panels, to further integrate clean energy into the school curriculum, and to create a Renewable Energy Education Park at the McGlynn/Andrews School site near the Mystic Valley Parkway in Medford, Massachusetts.

This project will simultaneously conserve energy, reduce electricity cost, and reduce greenhouse gas emissions. In addition, it will provide an opportunity for students and citizens to learn about renewable energy. The Renewable Energy Education Park will include a wind turbine at the McGlynn School, solar panel installation at the Andrews School, and a renewable energy interpretive panel. This project continues to fortify the efforts of the City of Medford in its campaign to improve energy efficiency and to reduce greenhouse gas emissions. This project will help educate and inspire the citizens of Massachusetts to work together for a clean, more sustainable community.

I commend Mayor McGlynn for his leadership in energy efficiency and innovation. I fully support this pioneering proposal and ask that you give this application all due consideration. Should you have any questions or require additional information, please contact **Rocco DiRico** of my Medford District Office at **781-396-2900.**

Sincerely,

Edward J. Markey

Edward J. Markey

EJM/rd

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG - 5 2009

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
U.S. House of Representatives
Washington, D.C. 20515-2107

Dear Congressman Markey:

Thank you for your letter of July 8, 2009, expressing support for the City of Medford's application to receive funding from the U.S. Environmental Protection Agency (EPA) under grant opportunity EPA-OAR-CPPD-09-08, "Climate Showcase Communities Grant Program." Your letter has been included as part of their overall application.

As this is a competitive solicitation, all applications submitted will be given equal review and consideration. Final award decisions will be made after the reviewers convene a technical evaluation panel to rate and rank the eligible applications. Applicants will be notified of EPA's decisions on funding after the solicitations have been approved. We expect to award grants in January 2010.

Again, thank you for your letter. If you have further questions, please contact me or your representative may call Diann Frantz in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3688.

Sincerely,

Gina McCarthy
Assistant Administrator

HENRY A. WAXMAN, CALIFORNIA
CHAIRMAN

JOE BARTON, TEXAS
RANKING MEMBER

ONE HUNDRED ELEVENTH CONGRESS AL-09-001-1071

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6115

Majority (202) 225–2927
Minority (202) 225–3641

July 16, 2009

Mr. Michael H. Shapiro
Acting Assistant Administrator, Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Ariel Rios Building, Mail Code 4101M
Washington, DC 20460

Dear Mr. Shapiro:

I am writing to request your testimony at a legislative hearing before the Subcommittee on Energy and Environment on Thursday, July 23, 2009, at 10:00 a.m. in Room 2322 of the Rayburn House Office Building. The hearing will examine the Chemical Facility Anti-Terrorism Act of 2009 (H.R. 2868) and the Drinking Water System Security Act of 2009 (not yet introduced). I ask that your testimony focus on both the Drinking Water System Security Act and on the manner in which EPA will coordinate its efforts with the Department of Homeland Security. The attachment to this letter provides information about testifying before the Committee. If you have any questions, please contact Michal Freedhoff at (202) 225-2836.

Sincerely,

Edward J. Markey

Edward J. Markey
Chairman
Subcommittee on Energy and
the Environment

Enclosure

cc: The Honorable Henry A. Waxman
Chairman

The Honorable Joe Barton
Ranking Member

The Honorable Fred Upton
Ranking Member
Subcommittee on Energy and
the Environment

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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Witness Information Sheet

The following is a summary of some of the pertinent rules and procedures applicable to witnesses testifying before the Committee on Energy and Commerce:

- Witnesses should provide 150 copies of their written testimony (75 copies for subcommittee hearings) to Earley Green, Chief Clerk, in Room 2125 of the Rayburn House Office Building no later than 10:00 a.m. two business days prior to the hearing. Witnesses should also provide statements by this date in electronic format, either as a CD or via email in .pdf format to earley.green@mail.house.gov.

- At the hearing, each witness will be asked to summarize his or her written testimony in five minutes or less in order to maximize the time available for discussion and questions.

- House Rule XI clause 2(g)(4) requires that witnesses appearing in a nongovernmental capacity submit to the Committee in advance of the hearing "a curriculum vitae and a disclosure of the amount and source (by agency and program) of *each* Federal grant (or subgrant thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness." The attached form and instructions are intended to assist witnesses in complying with this requirement.

- Witnesses with disabilities should contact Committee staff to arrange any necessary accommodations.

- The jurisdiction of the Committee on Energy and Commerce is set forth in House Rule X clauses 1(f), 2, 3(e), and 4(e).

- The Committee rules governing this hearing are online at http://energycommerce.house.gov/.

For inquiries regarding these rules and procedures, please contact the Committee on Energy and Commerce at (202) 225-2927.

Committee on Energy and Commerce
U.S. House of Representatives
Witness Disclosure Requirement - "Truth in Testimony"
Required by House Rule XI, Clause 2(g)

Your Name:		
1. **Are you testifying on behalf of a Federal, State, or local Government entity?**	**Yes**	**No**
2. **Are you testifying on behalf of an entity that is not a Government entity?**	**Yes**	**No**
3. **Please list any Federal grants or contracts (including subgrants or subcontracts) that <u>you personally have received</u> on or after October 1, 2006:**		
4. **Other than yourself, please list which entity or entities you are representing:**		
5. **If your answer to the question in item 2 in this form is 'yes,' please list any offices or elected positions held or briefly describe your representational capacity with the entities disclosed in the question in item 4:**		
6. **If your answer to the question in item 2 is 'yes,' do any of the entities disclosed in item 4 have parent organizations, subsidiaries, or partnerships that you are not representing in your testimony?**	**Yes**	**No**
7. **If the answer to the question in item 2 is 'yes,' please list any Federal grants or contracts (including subgrants or subcontracts) that were received by the entities listed under the question in item 4 on or after October 1, 2006, that exceed 10 percent of the revenue of the entities in the year received, including the source and amount of each grant or contract to be listed:**		

Signature:_____ **Date:**_____

INSTRUCTIONS FOR COMPLETING THE TRUTH-IN-TESTIMONY DISCLOSURE FORM

1. ***In General.*** The form on the reverse side of the page is intended to assist witnesses appearing before the Committee on Energy and Commerce in complying with rule XI, clause 2(g)(4) of the Rules of the House of Representatives. The rule requires that:

> In the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness.

Please complete the form in accordance with these directions.

2. ***Name.*** Please provide the name of the witness in the box at the top of the form.

3. ***Governmental Entity (Item 1 on the form).*** Please check the box indicating whether or not the witness is testifying on behalf of a government entity, such as a Federal department or agency, or a State or local department, agency, or jurisdiction. Trade or professional associations of public officials are not considered to be governmental organizations.

4. ***Nongovernmental Entity (Item 2).*** Please check the box indicating whether or not the witness is testifying on behalf of an entity that is not a governmental entity.

5. ***Grants and Contracts (Item 3).*** Please list any Federal grants or contracts (including subgrants or subcontracts) that the witness personally has received from the Federal Government on or after October 1, 2006.

6. ***Entity(ies) to be Represented (Item 4).*** Please list all entities on whose behalf the witness is testifying.

7. ***Representational Capacity (Item 5).*** If the answer to the question in item 2 is 'yes,' please characterize the capacity in which the witness is testifying on behalf of the entities listed in item 4.

8. ***Affiliated Entities (Item 6).*** Please indicate whether the entity on whose behalf the witness is testifying has parent organizations, subsidiaries, or partnerships that are not represented by the testimony of the witness.

9. ***Grants and Contracts (Item 7).*** Please disclose grants and contracts as directed in item 7.

10. ***Submission.*** Please sign and date the form in the appropriate place. Please submit this form with your written testimony. Please note that under the Committee's rules, 150 copies of a written statement of your proposed testimony must be submitted at least two working days before the commencement of the hearing. Please also provide a copy in electronic format, as described in the letter of invitation.

AL-09-000-3138

COMMITTEES

ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY AND ENVIRONMENT
CHAIRMAN

SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING
CHAIRMAN

NATURAL RESOURCES

EDWARD J. MARKEY
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http://markey.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515–2107

March 3, 2009

The Honorable Lisa Jackson
Administrator
Environmental Protection Agency
1300 Pennsylvania Avenue N.W.
Washington, DC

Dear Administrator Jackson:

I write to request information related to the potential for generating clean renewable energy on brownfield sites. Doing so would provide a highly synergistic win-win solution for the development of renewable energy generation capacity, for the cleanup and remediation of contaminated sites, and for providing economically viable and socially beneficial futures for the communities in which these sites are located.

It is my understanding that the Environmental Protection Agency (EPA) has completed a mapping analysis, undertaken in conjunction with the Department of Energy's National Renewable Energy Laboratory (NREL), that has yielded an inventory of over four thousand EPA-tracked brownfield sites that might be good candidates for solar, wind, or biomass energy production facilities[1]. Unlike undeveloped public lands, many brownfield sites already have access to existing transmission capacity and other critical infrastructure that would be necessary for them to quickly meet the growing national demand for renewable energy.

With an estimated 15 million acres of potentially contaminated land in America, we have a long way to go in cleaning up the years of damage and abuse sustained by our nation's lands and returning these sites to useful purposes. With less than 3% of the nation's electricity produced by renewable energy, we also have a long way to go in developing the tremendous renewable energy potential in our country.

The opportunity to repower America while revitalizing underutilized lands is something I intend to aggressively pursue this year. Accordingly, I ask for your prompt assistance in responding to the following questions:

1) How great is the potential for renewable energy generation on the most promising brownfield sites EPA tracks?
2) Could redevelopment of brownfield sites for renewable energy be accomplished without compromising clean-up standards currently required by law and regulation?

[1] http://www.epa.gov/renewableenergyland/maps_incentives.htm

3) How many renewable energy projects, if any, have been successfully sited on contaminated lands, particularly brownfield sites? Please provide a list of these facilities, including their locations, the type of energy that is being generated at each, and the amount of energy being generated.
4) What historically have been the employment benefits associated with cleaning up brownfields? What do you think these benefits could be for the redevelopment of these sites for renewable energy?
5) How has your agency prioritized projects for the clean-up funds provided in the American Recovery and Reinvestment Act? How will redevelopment of brownfield sites for renewable energy be considered?
6) The definitions for biopower and biorefinery facilities need to be conformed to current law for purposes of the EPA/NREL analysis. Please rerun your analysis using assumptions consistent with the definition of biomass included in the Energy Independence and Security Act of 2007.
7) The original survey performed by EPA and NREL did not evaluate the potential for geothermal development. Please rerun your analysis incorporating the potential for development of geothermal at utility or community scale.

Thank you very much for your prompt consideration of this important matter. Please provide responses no later than Friday, March 20, 2009. If you have additional questions or concerns, please contact Dr. Michal Freedhoff on my staff at 202-225-2836.

Sincerely,

Edward J. Markey

Edward J. Markey

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 2 4 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Edward J. Markey
Chairman
Committee on Energy and Commerce
Subcommittee on Energy and Environment
U.S. House of Representatives
Washington D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of March 3, 2009, requesting information related to the *potential* for generating clean renewable energy at brownfields sites.

I appreciate your interest in this matter. Please be assured that we are working to respond to your request as expeditiously as possible, and expect to forward our response shortly.

If you have further questions, please contact me or your staff may contact Amy Hayden in the U.S. Environmental Protection Agency's Office of Congressional and Intergovernmental Relations at (202) 564-0555.

Sincerely,

Barry N. Breen
Acting Assistant Administrator

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 27 2009

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Edward Markey
Chairman
Committee on Energy and Commerce
Subcommittee on Energy and Environment
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of March 3, 2009, requesting information related to the potential for generating renewable energy on brownfields sites. You also expressed an interest in the U.S. Environmental Protection Agency's (EPA) mapping analysis, undertaken in conjunction with the U.S. Department of Energy, which generated an inventory of brownfields sites with the potential for serving as solar, wind, or biomass energy production facilities. Enclosed please find EPA's responses to your questions.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Amy Hayden, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-0555.

Sincerely,

Barry N. Breen
Acting Assistant Administrator

Enclosure

Response to Questions related to the Potential for Generating Renewable Energy on Brownfields Sites
April 2009

1) How great is the potential for renewable energy generation on the most promising brownfields sites EPA tracks?

The U.S. Environmental Protection Agency's (EPA's) Office of Solid Waste and Emergency Response (OSWER) launched the RE-Powering America's Land Initiative to encourage and facilitate the development of renewable energy on thousands of currently and formerly contaminated properties across the nation. There are approximately 480,000 sites and almost 15 million acres of potentially contaminated properties across the United States that are tracked by the EPA. EPA-tracked sites include Superfund, Resource Conservation and Recovery Act (RCRA), brownfields, and abandoned mine lands. Since EPA has assessed the sites as a whole, EPA would need to undertake an additional evaluation of the data to estimate the number of acres and the associated energy production of only brownfields sites.

Through the RE-Powering initiative, EPA developed outreach tools, such as the Google Earth mapping application, which identify potential EPA-tracked sites that may be suitable for renewable energy development. The EPA-tracked sites that have been screened for potential renewable energy production offer access to critical infrastructure, including transmission lines, graded roads and rail for access, adequate acreage, and renewable energy resources. In addition, many of these potential sites are already zoned for such reuse purposes.

Preliminary analysis conducted by EPA indicates that the total technical potential for all EPA-tracked sites is as follows:

a. More than 550,000 acres of EPA-tracked land may be suitable for siting community-scale and utility-scale wind facilities, which equates to over 17,000 megawatts (MW) of wind energy generation potential and 39 million metric tons of carbon dioxide equivalent ($MMTC0_2E$) emissions displacement; and
b. More than five million acres of EPA-tracked land may be suitable for siting utility-scale photovoltaic (PV) and Concentrated Solar Power (CSP) facilities. Specifically, for utility-scale PV, there are almost 2 million acres of EPA-tracked land that may qualify, and more than 3 million acres may qualify for CSP. A total estimated solar energy generation potential of over 900,000 MW could be produced, with an associated emissions displacement of approximately 2,100 $MMTC0_2E$.

For more information, including the screening criteria used for each type of renewable energy resource, please refer to the data guidelines document found on the RE-Powering America's Land Initiative webpage: http://www.epa.gov/renewableenergyland/.

2) **Could redevelopment of brownfields sites for renewable energy be accomplished without compromising clean-up standards currently required by law and regulation?**

Yes. As you know, cleaning up contamination that poses a threat to human health or the environment is EPA's first priority when remediating a site. EPA may also consider a site's anticipated reuse when determining the appropriate cleanup remedy. Depending on the nature and extent of the contamination, and the remedy selected, the eventual reuse could range from residential to industrial development. Additionally, Brownfields cleanups funded by EPA grants are conducted either through, or in coordination with, state or tribal response programs.

Renewable energy projects have already been successfully developed on EPA-tracked sites, while others are being assessed and designed for construction. One example of a successful renewable energy redevelopment project is the Steel Winds project in Lackawanna, New York. The project was supported by an EPA Brownfields Assessment grant to the City of Lackawanna to investigate contamination at various properties in the city, including the mill. Once the assessment was complete, the steel mill was chosen as a prime property for wind energy redevelopment because much of the construction could occur without the excavation of large quantities of contaminated soil. When it was necessary to deal with contaminated media, the appropriate agencies were involved and steps were taken to properly handle and dispose of the materials. The result is that a former Bethlehem Steel site was redeveloped with eight large wind turbines with a total generating capacity of approximately 20 MW. Current plans call for the expansion of the project to install ten additional turbines, bringing the energy generation capacity to a total of 45 MW.

As additional opportunities are explored, EPA will continue to work with appropriate state, tribal, and local partners to ensure all steps are taken to properly deal with potentially contaminated materials.

3) **How many renewable energy projects, if any, have been successfully sited on contaminated lands, particularly brownfields sites? Please provide a list of these facilities, including their locations, the type of energy that is being generated at each, and the amount of energy being generated.**

The EPA Brownfields Program database does not include comprehensive data on final end uses of cleaned sites, as the end use often changes. The examples provided are an overview of the types of EPA-tracked sites that have been developed with various types and scales of renewable energy generation facilities. Renewable energy projects have been successfully built on contaminated or potentially contaminated lands, including the Steel Winds project mentioned in question 2, above, as well as those listed below.

- The Summitville Mine Site mini-hydroelectric plant in Rio Grande County, Colorado, once complete, will generate approximately 250,000-290,000 kilowatt-hours (kW-h) per year of energy, enough to power approximately 25 homes, and prevent 250-275 metric tons of carbon dioxide from being released into the atmosphere every year. The energy produced will power the onsite mine-acid drainage treatment system. Excess energy will be supplied to the grid.
- The Fort Carson Colorado solar field is located on a 15 acre former landfill on the U.S. Army installation in Fort Carson, Colorado. The solar array generates approximately 3,200 megawatt-hours of power annually - enough to supply 2.3 percent of Fort Carson's energy consumption, the equivalent of 540 homes. The project developer, 3 Phases Energy, will sell Renewable Energy Credits (RECs) for the solar energy produced at the site to Denver's utility company, Xcel Energy, under the investor-owned utility's Solar Rewards program. Xcel will then apply the RECs in compliance with Colorado's Renewable Energy Portfolio Standard (RPS).
- The City of Brockton, Massachusetts developed a municipal solar energy generating station on a former brownfields site. The property now supports the largest solar array in New England and is designed to generate over 535 MW of energy per year.
- A former waterfront landfill and municipal dump site at Sunshine Island, near Providence, Rhode Island, was completely transformed into the "Save the Bay Center." The Center includes an award-winning building which utilizes a PV array that generates enough energy to power the entire lighting system of the building.
- Nellis Air Force Base is a 14,000-acre facility located northeast of Las Vegas, Nevada. The site includes a 33-acre capped landfill site that was chosen for the development of a solar facility. The photovoltaic system consists of 72,416 solar panels on ground-mounted, fixed-tilt systems engineered to follow the path of sun. The solar system generates 14 MW of renewable energy. The system is operated privately and through a power purchase agreement, the U.S. Air Force (USAF) is able to purchase electricity at a guaranteed fixed rate. The solar PV system is estimated to save the USAF $1 million annually and reduce carbon dioxide emissions by 24,000 tons annually.
- The City of Houston, Texas is assessing the feasibility of redeveloping the closed Holmes Road landfill with a 10 MW solar energy production field, using EPA funded technical support as an EPA Brownfields Sustainability Pilot.
- Operating Industries Landfill Superfund site is a 190 acre landfill, approximately 10 miles east of Los Angeles, California. With technical and regulatory assistance from EPA and financial assistance of Southern California Edison Company, which awarded the landfill a $450,000 grant, and the California Energy Commission, which awarded the landfill a $105,000 grant, the landfill gas (LFG) to energy system was constructed in 2002. In total, six 70 kilowatt (kW) microturbines were installed on the property that convert LFG to electricity. The microturbines save about $400,000 a year and supply the landfill's leachate treatment plant with 80% of its yearly energy needs.

- Former (or South) Eubank Landfill, located at the Sandia Science and Technology Park and State Landfill Office, in Albuquerque, NM, will capture methane from the former landfill and install solar panels on the erosion control terraces at the property to complete a hybrid renewable energy system for the future onsite office park. The project received Targeted Brownfield Assessment (TBA) grant funds.
- McVay Highway Biofueling Station Site, which also received TBA funds, is located in Eugene, Oregon, and was the first of its kind biofuel station, incorporating extensive sustainable development elements such as solar power, passive solar building design, bioswales, and locally sourced and non- or low-toxic products. The site runs on 100% renewable power through its self-contained solar array and wind power.

The following examples are sites in which renewable energy was used for remediation activities:

- Lawrence Livermore National Laboratory Site 300 Superfund site, located in Livermore, California, uses solar systems to power pumps to treat contaminated groundwater at the site at a rate of about 5 gallons per minute, from depths of 75 to 100 feet. These systems are small, but capable of generating up to 800 watts of self-sustaining power.
- Frontier Fertilizer Superfund site is located near the eastern border of Davis, California, and encompasses nearly 18 acres of land. To offset the energy consumed by ongoing groundwater treatment, a solar PV system was installed on the roof of the site's remaining building. This 5.7 kW system produces approximately 8,500 to 9,000 kW-h of electricity which offsets up to 5 percent of the site's annual electricity use for groundwater pump and treat system operations. The system helps save approximately $1,500 per year in energy costs. EPA plans to add additional solar panels in 2009.
- Apache Powder Superfund site encompasses approximately 1,100 acres and is located seven miles southeast of Benson, Arizona, and 2.5 miles southwest of St. David, Arizona. In 1997, Apache constructed the 4.5 acre tiered hydraulically driven wetland system on the northern portion of the site. It treats approximately 150 gallons per minute (80 million gallons/year) of contaminated water. For the first five years of start-up, a 1.4 kW PV panel provided solar power for a centrifugal pump to recirculate (at 5 gallons/minute) the contaminated water through the wetlands cells until the treated water reached the discharge cleanup standards.
- Pemaco is a 1.4 acre EPA-lead Superfund site located in a mixed industrial and residential neighborhood in Maywood, California. In July 2007, a Xantrax Grid Tie Solar Inverter PV system was installed to help power remediation equipment used to clean up the soil and ground water contamination at the site. The installation of the solar PV system was the first pilot project of the EPA Region 9 Cleanup – Clean Air Initiative, http://www.epa.gov/region09/cleanup-clean-air/index.html, designed to facilitate reduction of diesel and greenhouse gas emissions at Superfund cleanup and redevelopment sites. As of July 2008 (after one year of operation), the solar PV system

generated 6,172 kW-h per year, an annual electricity savings of $2,839. In addition, the system is estimated to have prevented the emission of 3.3 tons of carbon dioxide into the atmosphere, emissions comparable to 7,600 vehicle miles per year.

4) **What historically has been employment benefits associated with cleaning up brownfields? What do you think these benefits could be for the redevelopment of these sites for renewable energy?**

EPA's Brownfields program tracks overall jobs leveraged each year from projects that receive Brownfields funds and technical assistance, and over the life of the program has leveraged more than 53,800 jobs. We do not have site specific data on jobs leveraged for renewable energy projects on brownfields sites. Based on program experience, EPA anticipates cleanup and redevelopment activities will produce near- term jobs.

5) **How has your agency prioritized projects for clean-up funds provided in the American Recovery and Reinvestment Act? How will redevelopment of brownfields sites for renewable energy be considered?**

EPA prioritizes brownfields assessment and cleanup projects for funding and technical assistance based on statutory criteria that includes community need, project feasibility, community engagement, and project benefits. Projects requesting funding under the American Recovery and Reinvestment Act (ARRA) will be considered using those criteria, with emphasis on project readiness and job creation. EPA is encouraging communities to consider renewable energy projects on brownfields sites with any ARRA funding. EPA also provides technical assistance and funding to communities with its regular programmatic funding (non ARRA) to support the development of renewable energy on contaminated lands.

6) **The definitions for biopower and biorefinery facilities need to be conformed to current law for purposes of the EPA/NREL analysis. Please rerun your analysis using assumptions consistent with the definition of biomass included in the Energy Independence and Security Act of 2007.**

When initiating the renewable energy mapping project, EPA sought out the most comprehensive source of data available. The result was the use of the National Renewable Energy Laboratory (NREL) data. In order for EPA to rerun the analysis we would need to find a source of data as comprehensive as the data developed by NREL. EPA is unaware of another source that meets this criterion; therefore, we are left to rely upon the NREL data and its corresponding definitions.

7) **The original survey performed by EPA and NREL did not evaluate the potential for geothermal development. Please rerun your analysis incorporating the potential for development of geothermal at utility or community scale.**

The geothermal analysis, as well as landfill methane to energy generation potential, are currently being pursued by EPA. We anticipate the analyses will be complete this summer and would be happy to provide you with an update once the analyses are complete.

AL-07-001-2122

Select Committee on
Energy Independence and Global Warming
U.S. House of Representatives

July 27, 2007

Mr. Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Johnson:

As you may be aware, environmentally-conscious businesses and consumers are increasingly seeking to reduce their carbon footprint by purchasing carbon "offsets." The voluntary offset market is already valued at over $100 million per year globally, and many expect it to grow to half a billion dollars within the next few years. There are now over three dozen offset providers based in the United States, and the majority of the demand for offsets comes from U.S. businesses and consumers. While no one expects voluntary offsets alone to make a major dent in global warming pollution, they have the potential to make an important contribution.

Despite its promise, the voluntary offset market presents serious concerns. It is almost completely unregulated, and the lack of generally accepted standards has raised questions about the credibility of some offset products. Although offset providers and environmental organizations have developed a variety of voluntary standards, the proliferation of such standards may cause further confusion. A wide range of offset providers and other stakeholders have suggested that the federal government could play an important role in bringing order to this market – to ensure that buyers are getting what they pay for, that this funding source for carbon reduction projects is not wasted, and that we maintain the credibility of offsets as a potential tool to limit costs in any future mandatory regime to control global warming pollution.

As the federal agency charged with the protection of the environment, EPA is well positioned to address this set of issues. Indeed, EPA's Climate Leaders program is already engaged in developing protocols for offset projects and has relevant expertise. Consequently, I am writing to request that EPA consider taking a leadership role in promoting the development and implementation of standards for the voluntary offset market – perhaps under the auspices of the Climate Leaders program. EPA involvement in standard-setting could take many forms, including but not limited to endorsement of one or more existing voluntary standards or convening a stakeholder process to develop an overarching consensus standard.

I recently wrote to Chairman Platt Majoras of the Federal Trade Commission, requesting that the Commission review its guidelines for environmental marketing claims to address the unique issues presented by carbon offsets. I expect that there will be opportunities for fruitful collaboration between FTC and EPA in addressing the interrelated consumer protection and environmental protection aspects of this issue.

I would appreciate hearing from you at your earliest convenience about this request. Please contact me directly or Joel Beauvais of the Select Committee staff (202-225-4012). Thank you for your consideration of this request.

Sincerely,

Edward J. Markey
Chairman

cc: Mr. F. James Sensenbrenner, Jr., Ranking Member

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 5 2007

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
Chairman
Select Committee on Energy Independence and Global Warming
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Markey:

Thank you for your letter dated July 27, 2007, in which you request that the Environmental Protection Agency (EPA) take a leadership role in promoting the development and implementation of standards for the voluntary offset market. My staff met on August 2 (and again on August 21) with Joel Beauvais, Majority Counsel, and Ana Unruh Cohen, Senior Policy Advisor, to discuss follow-up to your Committee's hearing on voluntary offset standards. I understand the discussions were productive.

As a part of our ongoing work to address offsets under the Climate Leaders Program, my staff have been collecting and reviewing the suite of standards and protocols that have been, or are being, developed for the voluntary carbon offset market. We are currently assessing draft criteria by which EPA's Climate Leaders Program could consider offset reductions generated from the voluntary offset market and subsequently use these reductions to meet Climate Leader Partner goals. EPA staff are also considering additional offset protocols for the Climate Leaders Program, as well as elements of program design related to offsets and renewable energy.

As a follow-up to your request, my staff also met on September 12 with colleagues at the Federal Trade Commission (FTC) to learn more about the FTC's plans for exploring opportunities to use their existing authority to address standards and practices associated with voluntary offset programs. We will continue to discuss ways in which EPA might work with FTC as they develop guidelines to ensure credibility of offset claims by addressing deceptive advertising and marketing practices regarding voluntary offsets. EPA staff will also continue to monitor and review voluntary offset and renewable energy protocols and, where appropriate, provide input. Additionally, my staff has already had discussions with a number of voluntary offset providers and organizations considering standards for voluntary offsets.

We will be happy to follow up with your staff to further discuss our efforts and progress relating to voluntary offset standards.

Again, thank you for your letter. If you have further questions, please contact me or your staff may call Ronna Landy, in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-3109.

Sincerely,

Robert J. Meyers
Principal Deputy Assistant Administrator

AL-05-001-5306

Assistant Secretary for Legislative Affairs
U.S. Department of Homeland Security
Washington, DC 20528

SEP 2 9 2005

Homeland Security

Mr. Benjamin Grumbles
Associate Administrator for Congressional
and Intergovernmental Relations
Environmental Protection Agency
Ariel Rios Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Mr. Grumbles:

The enclosed communication was forwarded to the Department of Homeland Security from Representative Edward Markey regarding the environmental consequences associated with Hurricane Katrina caused by releases of toxic substances from chemical or other facilities that were damaged by the storm or its aftermath.

I believe this matter falls within your agency's jurisdiction. I would appreciate it if appropriate inquiries could be initiated and a full response prepared for Representative Markey.

Sincerely,

Pamela J. Turner
Assistant Secretary for Legislative Affairs

Enclosure

cc: Representative John E. Sweeney

329880

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

ENERGY AND COMMERCE COMMITTEE
RANKING MEMBER
SUBCOMMITTEE ON
TELECOMMUNICATIONS AND
THE INTERNET

SELECT COMMITTEE ON
HOMELAND SECURITY

RESOURCES COMMITTEE

Congress of the United States
House of Representatives
Washington, DC 20515–2107

September 9, 2005

2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–2107
(202) 225-2836

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396-2900

188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875-2900
www.house.gov/markey

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
Nebraska Avenue NW
Washington, DC 20528

Dear Secretary Chertoff:

I am writing to request information regarding the environmental consequences associated with Hurricane Katrina caused by releases of toxic substances from chemical or other facilities that were damaged by the storm or its aftermath.

As you know, numerous facilities in Louisiana, Mississippi and Florida contain sufficient quantities of certain toxic chemicals to require reporting under the Environmental Protection Agency's (EPA's) Risk Management Program (RMP), which was created as part of the Clean Air Act Amendments in 1990 in response to the Bhopal chemical accident. In fact, according to a recent Congressional Research Service report I requested[1], there are 47-50 facilities in Louisiana at which a worst-case release could put 100,000-999,999 people at risk, as well as 2 facilities that could impact more than 1 million people. In Florida, there exist 21-22 facilities at which a worst-case release could put 100,000-999,999 people at risk and 7 facilities that could impact more than 1 million people, and in Mississippi, there are 2 facilities at which a worst-case release could put 100,000-999,999 people at risk. In addition to facilities that are subject to the EPA RMP reporting requirements, there are also some facilities (i.e. those that store flammable fuels that will be used as fuels) not subject to these requirements but which also pose a risk to the surrounding communities in the event of a worst-case release.

There have already been widespread reports of contamination resulting from leaky chemical and oil and gas facilities in the aftermath of Hurricane Katrina, particularly in Louisiana. Moreover, it is well-known that water reacts with some chemicals to cause even more toxic and sometimes deadly results. A January 2001 article in the Journal of Loss Prevention in the Process Industries concluded that the cause of the chemical accident which caused the hospitalization of almost 900 people in Bogalusa, Louisiana in 1995 was similar to the cause of the 1984 Bhopal accident which killed several thousand people – the entry of water into a storage vessel. In addition to the impact associated with breaches of storage containers that result in leaking of toxic chemicals into the environment, it is clear that there is also a risk associated with leaks of water into some of these facilities.

[1] Please see http://www.house.gov/markey/Issues/iss_chemsec_rep050706.pdf

While some of the chemicals stored in these facilities are integral and necessary to the products or processes being undertaken there, others are not. For example, a 2003 report entitled "Eliminating Hometown Hazards" by Environmental Defense lists several wastewater treatment facilities in Louisiana that use chlorine in amounts that could place hundreds of thousands of people at risk, even though safer and economically competitive alternatives exist and are currently in use elsewhere. Press reports indicate that many wastewater treatment facilities in the areas impacted by Hurricane Katrina have been disabled, but it is unclear as to the status of the stores of toxic chlorine that must have been onsite. Another 2003 report entitled "Needless Risk: Oil Refineries And Hazard Reduction" by the U.S. PIRG Education Fund describes a cost-effective alternative to hydrofluoric acid, which is used by many refineries, including Chalmette Refining in New Orleans which reportedly has 600,000 pounds of hydrofluoric acid stored on site (see the May 22, 2005 New York Times editorial entitled "Inside the Kill Zone"). According to the Energy Information Administration, the Chalmette facility could be closed for months, but it is unclear as to the status of the stores of hydrofluoric acid that must have been onsite.

As the damage assessment and remediation associated with Hurricane Katrina proceeds, I believe it is important not just to evaluate the degree to which releases and environmental contamination may have occurred, but also to take steps to ensure that the contamination that might have been preventable had the chemical facility used a less toxic chemical or process will not recur in the future. Since many of these facilities will already be planning to do some remediation and reparation of the damages sustained (and, in some cases may be applying for federal assistance in order to do so) during the Hurricane and its aftermath, it may be an ideal time to implement transitions to safer technologies and processes in order to minimize the environmental consequences of any future catastrophes. I ask for your prompt responses to the following questions relating to the environmental consequences and remediation plans for the areas impacted by Hurricane Katrina:

1) Of the facilities that are subject to EPA RMP reporting requirements that are also located in the areas impacted by Hurricane Katrina, please list a) each facility that has reported damage and/or leaks of materials contained therein, including specific information regarding the nature of the damage/leak, the potential health and environmental consequences thereof and an estimate of the costs of its remediation, b) each facility that has been observed by Federal, State or local Government officials to have sustained damage and/or leaks of materials contained therein , including specific information regarding the nature of the damage/leak and the potential health and environmental consequences thereof and an estimate of the costs of its remediation, c) each facility that contains stores of materials that could, if exposed to water, result in a chemical reaction that could lead to a toxic release.

2) Of the facilities containing stores of toxic materials that are not subject to EPA RMP reporting requirements that are also located in the areas impacted by

Hurricane Katrina, please list a) each facility that has reported damage and/or leaks of materials contained therein, including specific information regarding the nature of the damage/leak and the potential health and environmental consequences thereof and an estimate of the costs of its remediation, b) each facility that has been observed by Federal, State or local Government officials to have sustained damage and/or leaks of materials contained therein, including specific information regarding the nature of the damage/leak and the potential health and environmental consequences thereof and an estimate of the costs of its remediation, c) each facility that contains stores of materials that could, if exposed to water, result in a chemical reaction that could lead to a toxic release.

3) Please provide specific information regarding all efforts DHS/EPA has undertaken thus far to assess the damages, consequences (environmental, health and economic) and remediation needs associated with any facility containing stores of toxic materials that sustained damages due to Hurricane Katrina. In addition, please provide a specific timeline for all planned future efforts.

4) What forms of federal assistance are available to facilities containing stores of toxic materials that sustained damages due to Hurricane Katrina? Please list all available assistance programs, including the amount of funding available to each eligible facility and any conditions associated with receiving the funds. Do any of these programs require that the facility take steps to reduce its risk of sustaining similar damage or to reduce the potential environmental and health consequences of such damages in the future?

5) Do you believe that as a condition of receiving federal assistance, facilities containing stores of toxic materials that sustained damages due to Hurricane Katrina should be required to evaluate and, where technologically and economically feasible, implement safer technologies or processes (including measures such as storing smaller quantities of toxic materials onsite) in order to minimize the potential environmental and health consequences of any future similar catastrophes? Why or why not? Do you believe that in at least some cases, if facilities storing toxic chemicals impacted by Hurricane Katrina had used inherently safer substitutes, the damage to human health would have been reduced? If not, why not?

6) What forms of federal assistance are available to State and local Governments to assist with their assessment or remediation efforts for the consequences of damages to facilities containing stores of toxic materials due to Hurricane Katrina? Please list all available assistance programs, including the amount of funding available to each eligible facility and any conditions associated with receiving the funds.

Thank you very much for your attention to this important matter. Please contact Dr. Michal Freedhoff of my staff at 202-225-2836 to arrange a timeline for the delivery of your responses.

Sincerely,

Edward J. Markey

Edward J. Markey

Bynum, Marsha

From: Higgins, Patricia
Sent: Monday, September 12, 2005 1:56 PM
To: Bynum, Marsha
Subject: FW: Markey letter to Chertoff re Katrina
Importance: High

From: Turner, Pam [mailto:Pam.Turner@DHS.GOV]
Sent: Monday, September 12, 2005 1:19 PM
To: Higgins, Patricia
Subject: FW: Markey letter to Chertoff re Katrina

For the system.

From: Freedhoff, Michal [mailto:Michal.Freedhoff@mail.house.gov]
Sent: Monday, September 12, 2005 1:05 PM
To: Turner, Pam
Subject: Markey letter to Chertoff re Katrina

Hi Pam

This went out on Friday -

Michal

<<09-09-05EJMtoDHSKatrina.pdf>>

Michal Ilana Freedhoff, Ph.D.

Senior Policy Associate

Office of Representative Edward J. Markey (D-MA)

2108 Rayburn House Office Building

Washington, DC 20515

Billy Thompson suggest that FEMA coordinate with EPA on this.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 16 2005

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

The Honorable Edward J. Markey
United States House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of September 9, 2005, to EPA Administrator Stephen L. Johnson regarding potential hazardous chemical releases from Risk Management Program facilities in areas affected by Hurricane Katrina. Your letter has been referred to me for reply.

Shortly after Hurricane Katrina made landfall, EPA deployed hundreds of emergency response personnel to the affected area to assist in disaster recovery efforts. We are working closely with state and local government officials, as well as other Federal responders, to assess environmental contamination, collect and safely dispose of hazardous waste, evaluate damage to drinking and waste water utilities, and perform other cleanup and recovery work in the affected areas of Louisiana, Mississippi, and Alabama. EPA is conducting similar activities in areas of Texas and Louisiana impacted by Hurricane Rita.

In response to your first three questions, EPA, along with other Federal, state, and local government agencies, is conducting numerous ongoing activities to determine the environmental impacts of Hurricane Katrina, including any potential chemical releases at Risk Management Program facilities, as well as other hazardous chemical facilities and hazardous waste sites. These activities include performing site assessments with on-the-ground teams, conducting environmental monitoring and sampling of air, water and sediment in impacted areas, and performing aerial surveys using EPA's Airborne Spectral Photometric Environmental Collection Technology (ASPECT) aircraft. EPA is coordinating closely with other Federal and State agencies to contact individual facility owners and operators as well as industry association representatives to gain company information on the status of chemical facilities, oil refineries, gas plants, and other industrial facilities in the affected area.

It will likely take several more weeks or longer before the status of every hazardous chemical facility in the affected area is known. However, to date EPA has no information indicating that there have been any major uncontained releases of highly toxic or flammable chemicals from RMP facilities in the affected area. As Hurricane Katrina recovery efforts continue, EPA will continue to coordinate with our Federal, state and local government partners

to monitor facilities in the affected area, and respond as appropriate to any chemical releases that may occur.

With regard to your questions on Federal disaster assistance, EPA administers the Local Government Reimbursement (LGR) Program, which provides up to $25,000 assistance to local governments for costs related to temporary emergency measures conducted in response to releases or threatened releases of hazardous substances. Information on the LGR program is available on the Agency's website at www.epa.gov/superfund/programs/er/lgr/index.htm. We defer to the Department of Homeland Security to comment on other disaster assistance programs that may be available through the Federal Emergency Management Agency.

Thank you for your interest in EPA's response to Hurricane Katrina. Comprehensive information on our hurricane response efforts is available on the Agency's website at www.epa.gov/katrina. If you have any further questions or comments, please contact me or your staff may contact Josh Lewis in the Office of Congressional and Intergovernmental Relations at (202) 564-2095.

Sincerely,

Thomas P. Dunne
Acting Assistant Administrator

cc: Honorable Michael Chertoff
Secretary of Homeland Security

AL-12-001-5661

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 14 2012

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to support the charter renewal of the Gulf of Mexico Citizen Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The Gulf of Mexico Citizen Advisory Committee is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina J. Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 14 2012

THE ADMINISTRATOR

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to support the charter renewal of the Gulf of Mexico Citizen Advisory Committee in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The Gulf of Mexico Citizen Advisory Committee is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina J. Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

GULF OF MEXICO CITIZEN ADVISORY COMMITTEE

1. Committee's Official Designation (Title):

Gulf of Mexico Citizen Advisory Committee

2. Authority:

This charter is renewed in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App.2. The committee was formerly named the Gulf of Mexico Executive Council. The Gulf of Mexico Citizen Advisory Committee (GMCAC) is in the public interest and supports the Environmental Protection Agency (EPA) in performing its duties and responsibilities under the Clean Water Act (CWA), as amended (33 U.S.C. 1251-1387).

3. Objectives and Scope of Activities:

In order to engage the public in actions to improve conditions of the Gulf of Mexico, the Administrator directed the establishment of the GMCAC.

The GMCAC will provide advice, information and recommendations to the Administrator on policy and technical issues associated with habitat conservation and restoration, improvements in water quality, and protection of living, coastal and marine resources of the Gulf of Mexico. The recommendations of the GMCAC also may potentially fulfill a need for public engagement to inform EPA's participation in implementing its responsibilities under the RESTORE Act. The GMCAC may advise on issues that cut across several program areas or initiatives that directly impact the Gulf.

The major objectives are to provide advice and recommendations and citizens' views on:

a. Revitalizing and building resilient Gulf Coast communities to protect and sustain them against deteriorating environmental and economic conditions;

b. Developing habitat conservation and restoration strategies and actions designed to restore and conserve key Gulf Coast habitats such as coastal wetlands, estuaries, barrier islands, upland habitats, seagrass beds, corals, and offshore habitats;

c. Assessing and improving Gulf Coast water quality by reviewing watershed management practices and using careful science-based review and innovative approaches to enhance water quality; and

d. Replenishing and protecting Gulf Coast living, coastal and marine resources by promoting resource management that focuses on the needs and functions of the ecosystem as a whole.

4. Description of Committee's Duties:

The duties of the GMCAC are solely to provide advice to the EPA.

5. Official(s) to Whom the Committee Reports:

The GMCAC will provide advice and recommendations and report to the EPA Administrator.

6. Agency Responsible for Providing the Necessary Support:

EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Gulf of Mexico Program Office, Office of Water, Region 4, and Region 6.

7. Estimated Annual Operating Costs and Work Years:

The estimated annual operating cost of GMCAC and supporting committees is $250,000 which includes 1.0 person-years of support.

8. Designated Federal Officer:

A full-time or permanent part-time employee of the EPA will be appointed as the Designated Federal Officer (DFO). The DFO or a designee will be present at all of the advisory committee and subcommittee meetings. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

9. Estimated Number and Frequency of Meetings:

The GMCAC is expected to meet as often as necessary, but at least quarterly (in person or via conference call). Meetings may occur approximately once every 3 months or as needed and approved by the DFO. The EPA may pay travel and per diem expenses when determined necessary and appropriate.

As required by FACA, the GMCAC will hold open meetings unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of Section 552b of Title 5, United States Code. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the GMCAC.

10. Duration and Termination:

The GMCAC will be examined annually and will exist until the EPA determines the committee is no longer needed. This charter will be in effect for two years from the date it is filed with Congress. After the initial two-year period, the charter may be renewed as authorized in accordance with Section 14 of FACA.

11. Member Composition:

The chartered committee will be composed of approximately twenty-five (25) members who will serve as Representative members of non-federal interests, Regular Government Employees (RGEs), or Special Government Employees (SGEs). Representative members are selected to represent the points of view held by organizations, associations, or classes of individuals. In selecting members, the EPA will consider candidates who are citizens of the five Gulf coastal states (Alabama, Florida, Louisiana, Mississippi, and Texas).

12. Subgroups:

The EPA, or the GMCAC with the EPA's approval, may form subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered committee and must report their recommendations and advice to the GMCAC for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the Agency.

13. Recordkeeping:

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with NARA General Records Schedule 26, Item 2 and EPA Records Schedule 181 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, these records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act.

September 6, 2012
Agency Approval Date

September 7, 2012
GSA Consultation Date

SEP 14 2012

Date Filed with Congress

AL-12-001-5650

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 14 2012

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to support the charter renewal of the National Environmental Justice Advisory Council in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The National Environmental Justice Advisory Council is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina J. Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 14 2012

THE ADMINISTRATOR

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to support the charter renewal of the National Environmental Justice Advisory Council in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The National Environmental Justice Advisory Council is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The Committee will be in effect for two years from the date it is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Christina J. Moody in EPA's Office of Congressional and Intergovernmental Relations at (202) 564-0260.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY CHARTER

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

1. Committee's Official Designation (Title):

National Environmental Justice Advisory Council

2. Authority:

This charter renews the National Environmental Justice Advisory Council (NEJAC) in accordance with the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The NEJAC is in the public interest and supports the Environmental Protection Agency (EPA) in performing its duties and responsibilities.

3. Objectives and Scope of Activities:

The NEJAC will provide independent advice and recommendations to the Administrator about broad, crosscutting issues related to environmental justice. The NEJAC's efforts will include evaluation of a broad range of strategic, scientific, technological, regulatory, community engagement and economic issues related to environmental justice. The major objectives will be to provide advice and recommendations about EPA efforts to:

a. Integrate environmental justice considerations into Agency programs, policies and activities
b. Improve the environment or public health in communities disproportionately burdened by environmental harms and risks
c. Address environmental justice to ensure meaningful involvement in EPA decision-making, build capacity in disproportionately-burdened communities, and promote collaborative problem-solving for issues involving environmental justice
d. Strengthen its partnerships with other governmental agencies, such as other Federal agencies and state, tribal, or local governments, regarding environmental justice issues
e. Enhance research and assessment approaches related to environmental justice

4. Description of Committees Duties:

The duties of the NEJAC are solely to advise the EPA.

5. Official(s) to Whom the Committee Reports:

The NEJAC will provide advice and recommendations, and report to the EPA Administrator through the Office of Environmental Justice, Office of Enforcement and Compliance Assurance.

6. Agency Responsible for Providing the Necessary Support:

EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Office of Environmental Justice, Office of Enforcement and Compliance Assurance.

7. Estimated Annual Operating Costs and Work Years:

The estimated annual operating cost of the NEJAC is $490,000, which includes 1.5 person-years of support.

8. Designated Federal Officer:

A full-time or permanent part-time employee of EPA will be appointed as the Designated Federal Officer (DFO). The DFO or a designee will be present at all of the meetings of the advisory committee and subcommittees. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

9. Estimated Number and Frequency of Meetings:

The NEJAC will meet approximately twice a year. Meetings may occur approximately once every six months or as needed and approved by the Designated Federal Officer (DFO), or his/her designee. EPA may pay travel and per diem expenses when determined necessary and appropriate.

As required by FACA, the NEJAC will hold open meetings, unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with Subsection c of Section 552b of Title 5, United States Code. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the NEJAC.

10. Duration and Termination:

The NEJAC will be examined annually and will exist until the EPA determines the Council is no longer needed. This charter will be in effect for two years from the date it is filed with Congress. After this two-year period, the charter may be renewed in accordance with Section 14 of FACA.

11. Member Composition:

The NEJAC will be composed of approximately 26 members who will serve as Representative members of non-federal interests, Regular Government Employees (RGEs), or Special Government Employees (SGEs). Representative members are selected to represent the points of view held by organizations, associations, or classes of individuals. In selecting members, EPA will consider candidates from among, but not limited to: community-based groups; industry and business; academic and educational institutions; State and local governments; indigenous organization and Federally-recognized tribal governments and Indigenous groups; and non-governmental and environmental groups, as deemed appropriate.

12. Subgroups:

EPA, or the NEJAC with EPA approval, may form subcommittees or work groups for any purpose consistent with this charter. Such subcommittees or work groups may not work independently of the chartered committee and must report their recommendations and advice to the NEJAC for full deliberation and discussion. Subcommittees or work groups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the EPA.

13. Recordkeeping:

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with NARA General Records Schedule 26, Item 2 and EPA Records Schedule 181 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, these records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act.

August 30, 2012
Agency Approval Date

September 6, 2012
GSA Consultation Date

SEP 14 2012
Date Filed with Congress

AL-12-000-8300

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 1 1 2012

THE ADMINISTRATOR

The Honorable Ed Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Congressman Markey:

I am pleased to renew the EPA Board of Scientific Counselors in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The EPA Board of Scientific Counselors is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The EPA Board of Scientific Counselors will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Clara Jones in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 1 1 2012

THE ADMINISTRATOR

The Honorable Harold Rogers
Chairman
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

I am pleased to renew the EPA Board of Scientific Counselors in accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C. App. 2. The EPA Board of Scientific Counselors is in the public interest and supports the U.S. Environmental Protection Agency in performing its duties and responsibilities.

I am filing the enclosed charter with the Library of Congress. The EPA Board of Scientific Counselors will be in effect for two years from the date the charter is filed with Congress. After two years, the charter may be renewed as authorized in accordance with Section 14 of FACA (5 U.S.C. App. 2 § 14).

If you have any questions or require additional information, please contact me or your staff may contact Clara Jones in the EPA's Office of Congressional and Intergovernmental Relations at (202) 564-3701.

Sincerely,

Lisa P. Jackson

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

EPA BOARD OF SCIENTIFIC COUNSELORS

1. Committee's Official Designation (Title):

EPA Board of Scientific Counselors

2. Authority:

The EPA Board of Scientific Counselors (BOSC) charter is renewed in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C. App. 2. The BOSC is in the public interest and supports EPA in performing its duties and responsibilities.

3. Objectives and Scope of Activities:

The BOSC will provide advice and recommendations on all aspects (technical and management) of the Office of Research and Development's (ORD) research program. As appropriate, the BOSC will consult and coordinate its work with the Science Advisory Board.

The major objectives are to provide advice and recommendations on:

a. ORD's research programs and research-management practices, and to recommend actions to improve research program quality, relevance, and performance, as well as program structure, scientific leadership, coordination/communication, and outcomes;

b. ORD's program development, progress, and research program balance, which may include evaluation of multi-year plans and implementation of the ORD Strategic Plan;

c. Use of peer review within ORD to sustain and enhance the quality of science in EPA;

d. Scientific and management issues specific to ORD Offices, National Laboratories, and Centers; and

e. ORD's human resources planning, such as scientist career development and rotational assignment programs, and the appropriate scope and design of training programs for environmental research professionals.

4. Description of Committees Duties:

The duties of the BOSC are solely to provide policy advice to EPA.

5. Official(s) to Whom the Committee Reports:

The BOSC will submit advice and recommendations and report to the EPA Administrator, through the Assistant Administrator for the Office of Research and Development, in consultation with the Administrator's Science Advisor.

6. Agency Responsible for Providing the Necessary Support:

The EPA will be responsible for financial and administrative support. Within EPA, this support will be provided by the Office of Research and Development.

7. Estimated Annual Operating Costs and Work Years:

The estimated annual operating cost of the BOSC is $288,000 which includes 1.0 person-years of support.

8. Designated Federal Officer:

A full-time or permanent part-time employee of EPA will be appointed as the Designated Federal Officer (DFO). The DFO or a designee will be present at all of the advisory committee's and subcommittee's meetings. Each meeting will be conducted in accordance with an agenda approved in advance by the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

9. Estimated Number and Frequency of Meetings:

The BOSC expects to meet approximately two (2) to three (3) times a year. Meetings may occur approximately once every four (4) to six (6) months, or as needed and approved by the Designated Federal Officer (DFO). EPA may pay travel and per diem expenses when determined necessary and appropriate.

As required by FACA, the BOSC will hold open meetings unless the EPA Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with subsection c of Section 552b of Title 5. Interested persons may attend meetings, appear before the committee as time permits, and file comments with the BOSC.

10. Duration and Termination:

The BOSC will be examined annually and will exist until the EPA determines the committee is no longer needed. This charter will be in effect for two years from the date it is filed with Congress. After the initial two-year period, the charter may be renewed as authorized in accordance with Section 14 of FACA.

11. Member Composition:

The BOSC will be composed of approximately twenty (20) members who will serve as Special Government Employees (SGEs). In selecting members, EPA will consider candidates from the environmental scientific/technical fields, human health care professionals, academia, industry, public and private research institutes or organizations, and other relevant interest areas.

12. Subgroups:

The EPA, or the BOSC with EPA approval, may form BOSC subcommittees or workgroups for any purpose consistent with this charter. Such subcommittees or workgroups may not work independently of the chartered committee and must report their recommendations and advice to the BOSC for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered committee nor can they report directly to the Agency.

13. Recordkeeping:

The records of the committee, formally and informally established subcommittees, or other subgroups of the committee, shall be handled in accordance with NARA General Records Schedule 26, Section 2 and EPA Records Schedule 181 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. 552, these records shall be available for public inspection and copying, in accordance with the Federal Advisory Committee Act.

May 7, 2012
Agency Approval Date

May 8, 2012
GSA Consultation Date

_____
Date Filed with Congress

AL-12-000-7430

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 19, 2012

Secretary Steven Chu
Department of Energy
1000 Independence Ave. SW
Washington, DC 20585

Administrator Lisa Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, DC 20460

Dear Secretary Chu and Administrator Jackson:

On March 31, 2012, *The New York Times* reported on the Department of Energy's and the Environmental Protection Agency's failure to clean up and remediate abandoned uranium mines that once supplied the federal government's nuclear weapons program on the Navajo Nation Reservation. As Democratic members concerned with environmental protection of Native American communities, we are deeply troubled by the federal government's failure and such failure's impact on the health and safety of Navajo Nation citizens.

The United States has a trust responsibility to provide for the health, safety and welfare of all Native Americans and Alaska Natives, and the Department of Health and Human Services, Indian Health Service in particular has a solemn obligation to protect and promote individual Indian health and safety. We have written to IHS Director Dr. Roubideaux seeking information regarding what steps her agency has undertaken or plans to undertake in concert with DOE and the EPA to address and prevent human contamination from radioactive mining sites on federal trust lands within the Navajo Nation. We now write to seek similar information regarding your respective agencies' response to this situation.

The *Times* reports that a uranium mine long abandoned in Cameron, Arizona, near the Grand Canyon continues to emit harmful and life threatening radioactivity despite a five year, multi-agency plan that reflects the "largest federal effort to date to clean up uranium mines" on the Reservation. Indeed, the EPA investigated the levels of radioactivity on this particular site and determined that further environmental review was necessary, yet according to the article,

nothing has been done to alert the public of the radioactive hazards that remain at the site or prevent people from entering. Evidence of social activity has been found on or near the old mine, indicating that exposure to radioactivity may be ongoing. This is especially disconcerting as the article further reports that "two days of exposure at the Cameron site reportedly would expose a person to more external radiation than the Nuclear Regulatory Commission considers safe for an entire year."

And yet the mines on Navajo lands comprise just a fraction of the total found in the greater United States. The EPA has identified 4,000 uranium mines nationwide and 15,000 with "uranium occurrence." Abandoned uranium mines are found in 14 western states, and 75% are on federal or tribal land. Moreover, the costs of cleaning up these sites far exceed reclamation funds that federal, state and tribal governments have available for reclamation. While there is not a national estimate of clean up costs of existing abandoned uranium mines, a study by the DOE in 2000 found that cleaning up 54 abandoned uranium mines cost nearly $2.3 billion.[1]

The Committee on Natural Resources heard about the wide reach of abandoned uranium mines during a February hearing convened to consider changes to the Surface Mining Reclamation Act. During that hearing, the Committee heard testimony from officials from the Navajo Nation and the Pueblo of Laguna that chronicled the struggles it has had cleaning up toxic waste left at abandoned uranium mines. Near Laguna, three decades after closing in 1982, the Jackpile-Paguate mine continues to contaminate streams used by the 8,200-person Tribe whose reservation is located 45 miles west of Albuquerque, New Mexico. The mine's now-defunct operator, ARCO, provided just $43 million of the estimated $400 million cost to reclaim the mine. The Tribe, which has recently begun working with the EPA, has struggled to find funds not only to reclaim the land, but also to conduct critical studies to monitor post-reclamation environmental health. And, as the *Times* article indicates, the Navajo Nation alone has hundreds of abandoned uranium mines on its lands that continue to expose Navajos to high levels of radioactivity without the prospect remediation in the near term.

The connection between human exposure to high levels of radioactivity, like those found at the Cameron site, and development of serious and life-threatening health problems is undeniable. Citizens of the Navajo Nation, as trust beneficiaries, deserve better treatment from their fiduciary – the United States Government. And lack of funding or intra-agency politics are poor excuses for the federal government's failure to remediate abandon mines within the Navajo Nation's territory, particularly when these mines pose a real and immediate health threat. As the

[1] http://www.epa.gov/radiation/docs/tenorm/402-r-08-005-voli/402-r-08-005-v1-ch4.pdf

trustee-delegates to the Navajo Nation, whose future generations are being exposed to extremely radioactive sites due to federal neglect, you should agree that urgent action must be taken to address this ongoing problem. We await your full response to how and when your agencies plan to undertake and complete radioactive contamination cleanup of the Cameron site, as well as hundreds of other such sites across the Reservation, by May 21, 2012.

Please contact Jennifer Romero of the House Natural Resources Committee Democratic staff at 202-225-6065 with any questions.

Sincerely yours,

EDWARD J. MARKEY
Ranking Member
Natural Resources Committee

DALE E. KILDEE
Member of Congress
Co-Chair, Native American Caucus

JARED POLIS
Member of Congress

BEN RAY LUJÁN
Member of Congress

MARTIN HEINRICH
Member of Congress

ED PASTOR
Member of Congress

RAÚL M. GRIJALVA
Ranking Member
Subcommittee on National Parks, Forests
and Public Lands

cc: Secretary Ken Salazar, Department of the Interior
Dr. Roubideaux, Director, Indian Health Service

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 30 2012

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

The Honorable Edward J. Markey
Ranking Member
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Markey:

Thank you for your letter of April 19, 2012 to the U.S. Environmental Protection Agency (EPA) Administrator Jackson and Department of Energy (DOE) Secretary Chu requesting information on our agencies' work to address the health and environmental impacts of abandoned uranium mines on the Navajo Reservation. The EPA and our federal counterparts remain committed to upholding our responsibilities to the Navajo Nation to address uranium mines that threaten human health and the environment.

As your letter points out, thousands of abandoned uranium mines exist in the western United States, and the cost of cleaning up these sites far exceeds funds that federal, state and tribal governments have available for reclamation and remediation. We have a focused effort on the Navajo reservation and other sites where risks to human health are the greatest.

The EPA, DOE, Indian Health Service, Nuclear Regulatory Commission, Bureau of Indian Affairs, and the Centers for Disease Control are in our fifth year of implementing a 5-year plan to reduce human health risks from uranium-contaminated materials in homes, drinking water sources, and abandoned mine and mill sites on the Navajo Reservation. We have focused on addressing the most urgent risks to residents while gaining a better understanding of the scope of the problem.

We are overseeing cleanup work by responsible parties at 3 high-priority mines and the Tuba City Open Dump and are utilizing Superfund program appropriations and Tronox bankruptcy funds to conduct assessments of four additional priority mine sites, including the uranium ore transfer station near Cameron, Arizona (known as Section 9 Lease).

We are currently evaluating the eligibility of Section 9 Lease for inclusion on the Superfund National Priorities List and anticipate completing our CERCLA Preliminary Assessment in the summer of 2012. We are also determining what short-term response actions are necessary at this site. In addition, we are evaluating information regarding potentially responsible parties who may be pursued to finance cleanup actions for this and other sites on the Navajo Nation.

Since 2007, the EPA in coordination with the Navajo Nation EPA has performed or overseen $61.8 million in work to address uranium contamination, including more than $15 million from responsible parties. EPA and our Navajo Nation counterparts have:

- screened 683 homes and other structures for potential contamination;
- completed the demolition of 34 structures (including homes and ceremonial hogans); rebuilt 14 homes;
- completed screening-level field assessments of 520 mines;
- completed cleanup of highest priority Skyline Mine;
- started cleanup on three of the highest priority mines identified in consultation with the Navajo Nation;
- issued enforcement actions against four responsible parties and are overseeing their investigations and cleanups; and
- tested 240 drinking water wells for contamination, shut down or posted sources exceeding drinking water standards, piloted new water hauling service to remote areas and partnered with Indian Health Service and HUD to invest $24.5 million in new water lines.

In FY 2012, we contracted with the Navajo Department of Housing to rebuild 12 contaminated homes in the Baca/Haystack area of the reservation in New Mexico. Later this year, we will scan an additional 40 structures in the Cove, Arizona area, and will start demolition of homes found to be contaminated.

The EPA coordinates closely with Navajo Nation EPA, the Indian Health Service, the Centers for Disease Control and local organizations to provide information to communities threatened by abandoned uranium mines. EPA has conducted outreach to all Navajo Chapters affected by uranium contaminated water supplies and have posted signs at wells and local Chapter Houses.

Your letter also inquires as to the status of the EPA response actions at the Jackpile-Pagute Uranium Mine in New Mexico. EPA Region 6 has consulted with the Pueblo of Laguna regarding ongoing concerns about the status of reclamation for this mine. The EPA has conducted several investigations since 2010 and proposed the Jackpile-Paguate Uranium Mine for inclusion on the National Priorities List on March 15, 2012. The listing will allow the EPA to utilize federal Superfund program funds to address the risks to human health and the environment at the mine.

The EPA and our federal counterparts have committed to developing a second 5-year plan for the Navajo Nation, covering 2013-2017. This plan will prioritize response actions for the remaining highest risk mines, structures, and water supplies.

Again, thank you for your interest in federal efforts to address the health and environmental impacts of abandoned uranium mines on the Navajo Reservation. If you have further questions, please contact me, or your staff may contact Raquel Snyder in EPA's Office of Congressional and Intergovernmental Relations, at (202) 564-9586.

Sincerely,

Mathy Stanislaus

Mathy Stanislaus
Assistant Administrator

AL-09-001-6302

COMMITTEES

ENERGY AND COMMERCE
SUBCOMMITTEE ON ENERGY AND ENVIRONMENT
CHAIRMAN

SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING
CHAIRMAN

NATURAL RESOURCES

EDWARD J. MARKEY
7TH DISTRICT, MASSACHUSETTS

2108 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2107
(202) 225-2836

DISTRICT OFFICES:

5 HIGH STREET, SUITE 101
MEDFORD, MA 02155
(781) 396-2900

188 CONCORD STREET, SUITE 102
FRAMINGHAM, MA 01702
(508) 875-2900

http://markey.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515–2107

October 27, 2009

The Honorable Lisa Jackson
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

I write out of concern about reports that the Environmental Protection Agency (EPA) may be considering a series of actions that could weaken radiation standards and protective guidance, ignoring sound scientific recommendations and dismantling decades of EPA policies for protection of the public from ionizing radiation. If the EPA chooses to proceed with these actions, it could put public health at risk and threatens to undermine the public's confidence in the regulator that is meant to protect it.

The Obama Administration has vowed to put an end the previous Administration's politicization of science, however there are several disturbing initiatives that commenced during the prior Administration that are still pending before EPA. It is imperative that the way in which EPA proceeds with respect to these initiatives and the decisions and guidelines it makes regarding radiation standards be based on sound science and objective evaluation of risks to human health.

In 2006, the National Academy of Sciences (NAS) and National Research Council (NRC) issued its report on the Biological Effects of Ionizing Radiation (BEIR VII: Health Risks from Exposure to Low Levels of Ionizing Radiation) partly sponsored by EPA.[1] The report represented a 5-year effort to examine all available information related to the health effects associated with exposure to low levels of radiation. BEIR VII found that radiation was about a third more dangerous in producing cancers than previously assumed and that even the "smallest dose has the potential to cause a small increase in risk to humans."

[1] http://www.nap.edu/openbook.php?isbn=030909156X

I have been informed that historically, the BEIR reports have formed the underpinning for the EPA's so-called "Blue Book", which in turn drives the basis for radiation protection regulations through Federal Guidance Reports (FGR) made by EPA. However, in December 2008, the EPA Office of Radiation and Indoor Air (ORIA) released a draft "Blue Book" entitled "EPA Radiogenic Cancer Risk Models and Projections for the U.S. Population" that proposed to disregard almost every risk figure reported in BEIR VII. In fact, in the great majority of cases ORIA proposed to use a lower risk figure than that recommended by BEIR VII. Adopting these lower risk figures, would result in relaxed regulations and a concomitant increase in public exposures to radiation and potential radiation-induced cancers relative to the adoption of the BEIR VII risk values. This has significant ramifications for all of EPA's regulatory activities even outside of ORIA, including those under the responsibility of Office of Solid Waste and Emergency Response (OSWER) and the Office of Water (OW).

As the Chairman of the House Energy and Commerce Committee's Subcommittee on Energy and the Environment, which has jurisdiction over nuclear energy and waste, regulation of solid and hazardous waste and protection of drinking water, I am concerned about the potential health risks imposed by EPA's radiation guidance and standards. To assist the Subcommittee in the oversight of these issues, and of the EPA's administration of the laws and regulations relating to radiation protection, please respond to the following questions:

1. What is the status of ORIA's proposed Blue Book that acts to reduce the radiation risk estimates from what was recommended by the NAS in the BEIR VII report?
2. Why did ORIA title the White Paper "Modifying EPA Radiation Risk Models Based on BEIR VII", when in fact the revisions made to the risk models ignored BEIR VII findings? Why were the revisions that were made almost all in the direction of increasing permissible exposures compared to the guidance that would have resulted had the Academies' findings been adhered to?
3. Who was responsible for making the decision to reduce the risk estimates? Please provide all correspondence, including emails, letters, and memos that relate to the decision to ignore the BEIR VII findings.
4. EPA bases its evaluation of compliance with most of its regulations limiting dose to the general public on the "Reference Man" standard--a hypothetical Caucasian healthy young adult male occupationally exposed to radiation. This compliance assessment method is scientifically inappropriate because the vast majority of people, including women and children, fall outside the definition. The EPA has published a guidance report, FGR 13, that enables dose calculation by age.
    a. Would you agree that, using FGR 13 published by the EPA itself, children get higher doses of radiation in some cases from the same environmental conditions as an adult male even when lower intakes are taken into account? Why or Why not?
    b. Why is the EPA not enforcing regulations to protect all individuals, including children? For instance, why is the EPA allowing compliance with the Clean Air Act to be demonstrated by calculating doses only for Reference Man just for the sake of "consistency" with past practice?

c. Do you believe that calculations of exposure doses and compliance should be based on the most exposed individual, thereby increasing public protection? Please explain.
d. If the EPA agrees that children should be protected along with the rest of the population, when is the EPA going to begin enforcing existing annual dose limits to require the calculation of dose to the most exposed individual, regardless of age?

5. It is my understanding that some EPA Guidance documents, like FGR 11 and 12 rely on Reference Man, while FGR 13 contains age specific data that is averaged for males and females.
   a. For internal dose, why does the EPA still allow the use of the older FGR 11, which is based on Reference Man, when it has the updated FGR 13, which enables calculation of dose by age?
   b. When does the EPA plan on updating FGR 12 using gender and age specific dose conversion factors? Please provide a detailed timeline.
   c. When does the EPA plan to revise FGR 13 to include separate dose conversion and risk factors for males and females by age? Please provide a proposed timeline.
   d. Does the EPA have plans to develop and publish fetal dose conversion factors? Why or Why not?
6. BEIR VII stated that there is mounting evidence that X-rays and low-energy betas like tritium are more dangerous than previously thought (producing more cancers per unit dose than the standard risk estimates), concluding: "It may be desirable to increase risk estimates in this report by a factor of 2 or 3 for the purpose of estimating risks from low-dose X-ray exposure." However, the Radiation Advisory Committee, in reviewing the draft Blue Book, recommended that EPA not upgrade the risk estimates at this time but rather study the matter further, in what could be a long, drawn-out process. Members of the Science Advisory Board questioned this recommendation, asking why EPA should continue using values it knows are wrong and too low.
   a. Is the EPA going to act on the BEIR VII scientific findings by tightening prior exposure and environmental concentration limits for tritium and X-rays by at least a factor of 2? Why or Why not?
   b. As I understand, to compare the biological risk of different types of radiation it is customary to calculate the relative biological effectiveness (RBE) using X-rays as the reference standard. Does the EPA believe it is ethical to continue to use a RBE factor of one for X-rays, when in fact it is known that the RBE is greater than 1? Please explain, particularly in light of the very large collective X-ray doses being received by the U.S. population due to widespread use of CT scans in medicine.
   c. Is there evidence that the RBE factors for X -rays and low energy beta radiation to fetuses are higher than the range of 2 to 3? If there is such evidence, what is the EPA going to do to better protect pregnant women from these sources?

In the last days of the Bush Administration, the EPA's highly controversial revisions to its Protective Action Guides (PAGs), which would apply to all radiological incidents (defined as "an event or a series of events, whether deliberate or accidental, leading to the release or potential release into the environment of radioactive materials in sufficient quantity to warrant consideration of protective actions"), were transmitted to the Federal Register for publication. These PAGs essentially describe a standard of what would be considered acceptable and safe concentrations of radiation exposure in the early, intermediate, and long-term periods following a radioactive release, levels below which no protective actions for the public would be required.

The proposed PAG revisions would permit radioactivity concentrations in drinking water during the intermediate phase (for 1-2 years after the release) that are orders of magnitude higher than EPA's long-held drinking water standards and suggests that government officials need not provide clean water until groundwater radioactivity is thousands of times higher than traditional Superfund guidance. Furthermore, the PAGs propose applying a long-term cleanup approach known as "optimization" to incidents in which radiological contamination has occurred. This process of "optimization" allows cleanup standards far outside EPA's traditional acceptable risk range, so high that they could result in public exposures that are the equivalent of approximately 50,000 chest X-rays, with a cancer risk that EPA itself estimates at a remarkable 1 in 4.

My understanding is that in the first days of office, the Obama Administration prevented these revisions from being published in the Federal Register pending further review by the EPA. I urgently call for your attention in this matter, to assure that the PAGs do not get issued with these serious flaws.

Please respond to the following questions related to the PAGs:

1. What is the status of the PAGs review by the new EPA leadership? Please provide a detailed timeline and any preliminary conclusions.
2. Will you decline to approve the ORIA proposal increasing permissible concentrations of radioactivity in drinking water after a radioactive release by factors of thousands, or more, compared to longstanding EPA maximum contaminant levels (MCLs)?
3. Who was responsible for producing the calculations for the proposed water concentrations? How were these calculations reached? Please provide documentation supporting the method used and all correspondence leading to the decision to adopt this methodology.
4. How could EPA possibly abandon its longstanding cleanup standards and acceptable risk range and propose adopting an "optimization" process whereby long-term cleanup standards could be as high as 10 rem per year, a 1 in 4 cancer risk over 30 years of exposure - orders of magnitude higher than EPA's longstanding acceptable risk range of 1 in 10,000 to one in a million? Why should people who have been subject to a nuclear incident be further subjected to a relaxation of the standards EPA has previously deemed safe?

5. Is the EPA concerned that the "optimization" plans could set a precedent that would lead to less protective standards being applied to a broad range of scenarios, thereby causing an erosion of EPA public health protection standards. Please explain.
6. Will EPA withdraw its support for the use of optimization in other types of events, e.g., the controversial "dirty bomb" guidance issued during the previous Administration by a taskforce including EPA and the Department of Homeland Security, and EPA-DHS recent draft guidance for bioterrorism events? Why or Why not?
7. In September 2009, EPA issued new guidance on optimization following a radiological incident[2]. Why would EPA do this, when this controversial approach from the prior Administration was supposed to be under review by the new Administration?

Thank you very much for your prompt attention to this important matter. Please provide your response no later than Tuesday November 17, 2009. If you have any questions or concerns, please have your staff contact Dr. Avenel Joseph or Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,

Edward J. Markey
Chairman
Subcommittee on Energy and Environment

Cc: Honorable Henry Waxman
Chairman
Energy and Commerce Committee

Honorable Joe Barton
Ranking Member
Energy and Commerce Committee

Honorable Fred Upton
Ranking Member
Subcommittee on Energy and Environment

[2]See footnote 17, GAO testimony, http://www.gao.gov/new.items/d09996t.pdf

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 2 3 2009

OFFICE OF
AIR AND RADIATION

The Honorable Edward J. Markey
Chairman, Subcommittee on Energy and the Environment
2108 Rayburn House Office Building
Washington, DC 20515-2107

Dear Chairman Markey:

I am writing in response to your October 27, 2009 letter regarding certain activities underway to update U.S. Environmental Protection Agency (EPA) radiation standards and protective guidance. These activities commenced under the previous Administration and are still in development or under review by EPA management. I offer you my full assurance that, under Administrator Jackson, EPA is dedicated to the use of sound science in the protection of public health and the environment in all our work, including radiation policy.

I recently met with representatives from a number of environmental organizations to hear their concerns regarding these actions, many of which correspond with the questions posed in your letter. Some of these concerns stem from the scientific peer review process that EPA is using to incorporate recent recommendations of the National Academy of Sciences (NAS) into radiation risk assessments. Others arise from EPA's reinterpretation of older radiation dose-based regulations in light of recent improvements in radiation dosimetry that were unavailable when the regulations were originally issued. Still others address EPA's work to update and broaden the scope of the Protective Action Guides Manual. Drafts under review address responses to acts of terrorism, including guidance for managing contaminated sources of drinking water and guidance on managing longer range recovery actions following a catastrophic radiation contamination event. With the understanding that the documents about which you are asking are still under review and subject to revision, I have answered each of your questions in the attached document.

If you have further questions, please contact me or your staff may call Josh Lewis in EPA's Office of Congressional and Intergovernmental Relations at 202-564-2095.

Sincerely,

Gina McCarthy
Assistant Administrator

Response to Blue Book and Federal Guidance Questions

1. What is the status of ORIA's proposed Blue Book that acts to reduce the radiation risk estimates from what was recommended by the NAS in the BEIR VII report?

EPA's Science Advisory Board (SAB) is nearing completion of its review of the draft Blue Book.

The current draft of the Blue Book is EPA's proposed approach for incorporating the recommendations of the National Academy of Sciences (NAS) into our next revision of cancer risk coefficients, eventually replacing those now found in Federal Guidance Report No. 13 (FGR 13).

The ORIA scientists who developed the draft Blue Book are following the Agency's scientific peer review process in their effort to complete this document. The peer review process is used to ensure that the findings in the draft Blue Book are sound and consistent with established science.

2. Why did ORIA title the White Paper "Modifying EPA Radiation Risk Models Based on BEIR VII", when in fact the revisions made to the risk models ignored BEIR VII findings? Why were the revisions that were made almost all in the direction of increasing permissible exposures compared to the guidance that would have resulted had the Academies' findings been adhered to?

The title of the White Paper accurately reflects its intent - to outline the plan for incorporating BEIR VII findings into the Blue Book.

Revisions to our risk models are always undertaken to reflect the best available science. Minor modifications to the methods used in BEIR VII were made only after careful deliberation, research, and consideration of advice from the EPA SAB and its Radiation Advisory Committee (RAC).

As evidence that EPA incorporated the BEIR VII findings, roughly one-half of the text in both the White Paper and the draft Blue Book describe methodology identical or closely related to that used in BEIR VII. The reports also contain several tables that document how results depend on potential modifications to methodology used in BEIR VII. The remaining half of each report relates to topics not covered in BEIR VII, including risks from high-Linear Energy Transfer radiation (alpha particles), prenatal exposures, and non-melanoma skin cancer. In both the White Paper and draft Blue Book, we took special care to document our reasoning for modifying and extending the BEIR VII approach.

In fact, the RAC made it very clear that, for almost all cancer sites, the proposed risk models in the White Paper are based on BEIR VII. In a letter from the RAC to the EPA Administrator dated January 31, 2008, "The RAC endorse[d] EPA's proposal to base its

approach to low dose risk estimation on BEIR VII." More specifically, the RAC "agree[d] with the EPA that the BEIR VII methodologies using incidence data should be used wherever possible and accept[ed] the EPA's use of BEIR VII methodologies for risk estimates for cancers of the stomach, colon, liver, prostate, uterus, ovary, bladder, other solid cancers, and leukemia."

As detailed in both the White Paper and draft Blue Book, EPA's revised radiogenic risk projections will be based on the two types of risk models defined in BEIR VII, relative risk and absolute risk. Since for most cancer sites there is no firm scientific basis for determining which of the two types of model would yield better estimates of risk, results obtained from the two models are combined. This is the same general approach that was used in BEIR VII. Most notably, in the White Paper and the subsequent draft Blue Book, the two risk models used for almost every cancer site are identical to the risk models used in BEIR VII.

The main reason the BEIR VII risk projections are larger than those in the draft Blue Book is that the BEIR VII risk models were applied to a generally younger population. The draft Blue Book proposes use of a "stationary population" (a hypothetical population that has the same number of births and deaths each year), which is different than the BEIR VII "Census population" (a snapshot of the U.S. population from the late 1990s). Use of this stationary population is most appropriate for calculating average risks to an individual from lifetime, chronic exposures and is consistent with Agency practices for estimating risk from other environmental carcinogens. In contrast, BEIR VII uses a Census population, which is most appropriate for calculating lifetime risks for acute exposures to an average individual in the U.S. population for a certain point in time (late 1990s). The Census population has a greater proportion of young people than the stationary population. The younger people in the Census population are subject to larger radiogenic risks, which is a primary cause for the larger BEIR VII risk projections.

It is especially noteworthy that, in its Advisory on the White Paper, the RAC "agree[d] that the proposed estimation of radiogenic cancer risks for the U.S. population using a standard stationary population, that is for a 'fixed cohort' based on death rates for the year 2000, is a reasonable adaptation of the BEIR VII approach." In response to public concerns, EPA's draft Blue Book provides a detailed discussion on the use of the stationary population, which is being reviewed by the SAB. In the RAC's August 20, 2009 draft Review document, the RAC again stated that "the RAC agrees with the EPA decision to use a stationary population rather than a Census-based population in LAR [Lifetime Attributable Risk] computations [and that] the reasons for this change were cogently described in the EPA staff presentation to the RAC."

The SAB response to the White Paper is available on the web at http://yosemite.epa.gov/sab/sabproduct.nsf/FD9963E56C66E4FF852573E200493359/$File/EPA-SAB-08-006-unsigned.pdf. The draft Blue Book is available on the web at http://epa.gov/radiation/docs/assessment/draft-RGCRMPUSPv1.pdf.

3. Who was responsible for making the decision to reduce the risk estimates? Please provide all correspondence, including emails, letters, and memos that relate to the decisions to ignore the BEIR VII findings.

As described in the preceding response, the BEIR VII findings have not been ignored. Rather, they are the core of the science being proposed in the Blue Book. Since there was no decision to ignore the BEIR VII findings, there are no emails, letters or memos to that effect.

The principal reason that risk estimates in the current draft tend to be smaller than those used in BEIR VII is the use of a stationary population instead of a Census population. This choice is appropriate for calculating risks for constant lifetime exposure (dose), consistent with standard EPA risk assessment policy, and in agreement with the conclusions of the RAC Advisory.

Please recall that the draft Blue Book is still in development and is therefore subject to modification. The draft SAB RAC review of the Blue Book suggests moving to an arithmetic mean for combining risk projections from the two types of BEIR VII risk models. If EPA were to adopt this suggestion, it is likely that risk estimates for many cancer sites will be higher in the final Blue Book than in BEIR VII.

4. EPA bases its evaluation of compliance with most of its regulations limiting dose to the general public on the "Reference Man" standard – a hypothetical Caucasian healthy young adult male occupationally exposed to radiation. This compliance assessment method is scientifically inappropriate because the vast majority of people, including women and children, fall outside the definition. The EPA has published a guidance report, FGR 13 that enables dose calculation by age.

4.a. Would you agree that, using FGR 13 published by EPA itself, children get higher doses of radiation in some cases from the same environmental conditions as an adult male even when lower intakes are taken into account? Why or Why not?

Under most circumstances, the same environmental conditions will give similar or lower doses to children. However, the risk per unit dose for most radionuclides is higher for children than for adults. The net effect is that children receive more lifetime cancer risk than adults from the same dose of radiation.

4.b. Why is the EPA not enforcing regulations to protect all individuals, including children? For instance, why is the EPA allowing compliance with the Clean Air Act to be demonstrated by calculating doses only for Reference Man just for the sake of "consistency" with past practices?

Many of EPA's early dose-based regulations were developed using the older reference individual approach, called Reference Man, because that was the best science available at the time. Most of the radiation standards developed by EPA under the authority of the Atomic Energy Act (AEA) are implemented and enforced by the Nuclear Regulatory Commission (NRC) or NRC Agreement States. NRC's implementation and enforcement

strategies rely on the As Low As Reasonably Achievable (ALARA) approach, usually resulting in doses to the public that are far enough below established dose limits to be protective of all age groups. Similarly, because the Clean Air Act (CAA) required that national emission standards for hazardous air pollutants, which include radionuclides, provided an ample margin of safety for members of the public, EPA believes that its standards developed using the Reference Man approach remain protective for the most vulnerable members of the population.

Nevertheless, EPA realizes that we have the responsibility for demonstrating that the existing standards are being enforced in a manner that is fully protective for all members of the public and are consistent with statutory and regulatory language. We are currently evaluating these older regulations to determine whether compliance with them is still adequate. We expect to complete a preliminary analysis of the older dose-based regulations in 2010. In our previous discussions with Dr. Freedhoff of your staff, we assured her that your office will be kept informed of our progress towards analyzing and updating, where appropriate, the applicable regulations.

4.c. Do you believe that calculations of exposure doses and compliance should be based on the most exposed individual, thereby increasing public protection? Please explain.

In responding to this question, it is important to make the distinction between managing chronic exposure to low levels of radiation over many years and managing acute exposure to higher levels of radiation over shorter periods of time. In order to protect the general population from chronic exposure to low levels of radiation in the environment, we typically assess the exposure to an age-averaged reasonably maximally exposed individual. For assessment of acute exposures to special populations, we would recommend using age- and gender-specific data.

4.d. If the EPA agrees that children should be protected along with the rest of the population, when is the EPA going to begin enforcing existing annual dose limits to require the calculations of dose to the most exposed individual, regardless of age?

The answer to this question is partly covered in 4.b. Even though the language in some older rules limits annual doses to "any member of the public," the standards were derived with the intent to protect individuals over a lifetime of exposure. I can assure you that the question of compliance with "any member of the public" standards is being addressed now within ORIA and we will have follow-up information for you in 2010, with the preliminary analysis of older dose-based rules.

5. It is my understanding that some EPA Guidance documents, like FGR 11 and 12 rely on Reference Man, while FGR 13 contains age specific data that is averaged for males and females.

5.a. For internal dose, why does the EPA still allow the use of the older FGR 11, which is based on Reference Man, when it has the updated FGR 13, which enables calculations of dose by age?

EPA, like NRC and the States, has been using the internal dose conversion factors in FGR 11 for the last 20 years. The methodology used in FGR 11 has been codified in numerous federal and state regulations, such as 10 CFR part 20. There is now a multiagency effort underway to move to a newer dosimetry system recently published by the International Commission on Radiological Protection (ICRP). EPA and NRC are co-funding an effort at Oak Ridge National Laboratory to provide technical support for updating FGR 11. In the mean time, whenever appropriate, EPA encourages the use of the more up-to-date dose conversion factors published in the compact disc supplement to FGR 13. For example, EPA's Superfund program's guidance for risk and dose assessment uses FGR 13 slope factors and dose conversion factors.

5.b. When does the EPA plan on updating FGR 12 using gender and age specific dose conversion factors? Please provide a detailed timeline.

The current timeline calls for EPA having a technical draft completed by September 2010. There will then be an opportunity for interagency and external peer review. EPA also will prepare a communication strategy for informing stakeholders. If there is sufficient interest by stakeholder groups, EPA also may provide a formal public comment period. Following these reviews, a revised FGR 12 is expected in 2011.

5.c. When does the EPA plan to revise FGR 13 to include separate dose conversion and risk factors for males and females by age? Please provide a proposed timeline.

Currently, the Blue Book is under review by the SAB. Upon completion of the SAB review and publication of the Blue Book, EPA plans to update FGR 13. This open public process could take 2 to 3 additional years to complete.

5.d. Does the EPA have plans to develop and publish fetal dose conversion factors? Why or Why not?

Fetal dose conversion factors are not planned for the update to FGR 11; however, the ICRP is in the process of developing a 3-dimensional model for assessing fetal dose. When this becomes available, EPA will consider incorporating the findings in a future update to our internal dose conversion factors. Current fetal protection is accomplished through controlling the doses to the general public and to declared pregnant workers.

6. BEIR VII stated that there is mounting evidence that X-rays and low-energy betas like tritium are more dangerous than previously thought (producing more cancers per unit dose than the standard risk estimates), concluding: "It may be desirable to increase risk estimates in the report by a factor of 2 or 3 for the purpose of estimating risks from low-dose X-ray exposure." However, the Radiation Advisory Committee, in reviewing the draft Blue Book, recommended that EPA not upgrade the risk estimates at the time but rather study the matter further, in what could be a long, drawn-out process. Members of the Science Advisory Board questioned this recommendation, asking why EPA should continue using values it knows are wrong and too low.

6.a. Is the EPA going to act on BEIR VII scientific findings by tightening prior exposure and environmental concentration limits for tritium and X-rays by at least a factor of 2? Why or Why not?

As part of its response to the BEIR VII findings, EPA has proposed raising the relative biological effectiveness (RBE) factor for low energy photons and beta rays. We have not received the final recommendations from the SAB, but a recommendation on its part to raise the RBE would be consistent with EPA's proposed approach in the draft Blue Book.

6.b. As I understand, to compare the biological risk of different types of radiation it is customary to calculate the relative biological effectiveness (RBE) using X-rays as the reference standard. Does the EPA believe it is ethical to continue to use a RBE factor of one for X-rays, when in fact it is known that the RBE is greater than 1? Please explain, particularly in light of the very large collective X-ray doses being received by the U.S. population due to widespread use of CT scans in medicine.

For patient doses, where the x-rays are used for diagnosis or treatment, dose limits do not apply. The system of radiation protection, as promoted internationally by the ICRP and nationally by the National Council on Radiation Protection and Measurements (NCRP), requires the prescribing physician to both justify that the x-ray procedure is needed and to optimize the dose from the procedure. Therefore, if a medical x-ray procedure is justified and the machine settings are optimal, appropriate radiation protection measures have been applied. The medical community may determine that the question of RBE warrants placing even greater emphasis on justification and optimization of exposure. However, EPA supports the view that the RBE would be considered primarily when managing occupational or public exposures to non-medical x-rays.

6.c. Is there evidence that the RBE factors for X-rays and low energy beta radiation to fetuses are higher than the range of 2 to 3? If there is such evidence, what is the EPA going to do to better protect pregnant women from these sources?

EPA's proposed estimate of risk associated with fetal irradiation is directly derived from studies of excess childhood cancers among individuals receiving prenatal medical X-rays. Thus, no adjustment for RBE is required.

Response to Protective Action Guides Questions

1. What is the status of the PAGs review by the new EPA leadership? Please provide a detailed timeline and any preliminary conclusions.

Proposed revisions to the 1992 Protective Action Guides Manual (1992 PAGs Manual) are undergoing review by the new Administration. This review process includes collaboration between EPA's Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, and Office of General Counsel. We have established no timeline for the PAGs review process.

EPA's 1992 PAGs Manual contains the Agency's existing guidance to radiological emergency responders; it can be found at http://www.epa.gov/radiation/docs/er/400-r-92-001.pdf.

2. Will you decline to approve the ORIA proposal increasing permissible concentrations of radioactivity in drinking water after a radioactive release by factors of thousands, or more, compared to longstanding EPA maximum contaminant levels (MCLs)?

Proposed revisions to the 1992 PAGs Manual, including the proposed drinking water guidance, are undergoing review by the new Administration. This review process includes collaboration between EPA's Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, and Office of General Counsel. At this point, we have not made any final decisions.

We would like to clarify that all doses mentioned in the 1992 PAGs Manual are projected doses to be avoided. Scientists use formulas in the 1992 PAGs Manual during large-scale radiological incidents to forecast future radiation doses. State, local or tribal decision makers use the Manual to determine appropriate protective actions to take to ensure the predicted doses are not reached. Because responders are expected to take the suggested actions in the 1992 PAGs Manual before a forecasted dose is reached, people are not expected to receive the forecasted dose.

Additionally, the 1992 PAGs Manual provides guidance only. The 1992 PAGs Manual states that emergency managers are encouraged to take any applicable and feasible precautionary measures to keep dose to the public as low as possible. The guidance in the 1992 PAGs Manual helps decision makers transition from initial emergency response needs until it is possible to return to pre-disaster, day-to-day expectations.

3. Who was responsible for producing the calculations for the proposed water concentrations? How were these calculations reached? Please provide documentation supporting the method used and all correspondence leading to the decision to adopt this methodology.

The methods for calculating the proposed water concentrations were developed by the interagency Federal Radiological Monitoring and Assessment Center (FRMAC) Assessment Working Group and Sandia National Laboratories. The FRMAC is a Department of Energy (DOE)-led, interagency asset that is available on request to respond to nuclear/radiological incidents. It is responsible for coordinating all environmental radiological monitoring, sampling, and assessment activities and normally includes representation from federal, state and local radiological response organizations.

EPA's Office of Radiation and Indoor Air staff performed the calculations for the proposed water guidance using the FRMAC methods as well as dosimetry and radiation risk assumptions from the International Commission on Radiological Protection (ICRP) Publication 60 and EPA's Federal Guidance Report 13 CD Supplement. The FRMAC methodology is described in the FRMAC Assessment Manual, which can be downloaded

at http://www.nv.doe.gov/nationalsecurity/homelandsecurity/frmac/manuals.aspx. Turbo FRMAC software can be requested at http://ipal.sandia.gov/ip_details.php?ip=7460.

The proposed PAGs revisions were developed in coordination with the Federal Radiological Preparedness Coordinating Committee (FRPCC) PAGs Subcommittee, composed of representatives from nine federal agencies. The FRPCC provides a national-level forum for the development of policy guidance for federal radiological incident management activities in support of state, local and tribal government radiological emergency planning and preparedness.

EPA's new Administration is reviewing the proposed addition of drinking water guidance into the 1992 PAGs Manual. At this point, we have not made any final decisions.

4. How could EPA possibly abandon its longstanding cleanup standards and acceptable risk range and propose adopting an "optimization" process whereby long-term cleanup standards could be as high as 10 rem per year, a 1 in 4 cancer risk over 30 years of exposure- orders of magnitude higher than EPA's longstanding acceptable risk range of 1 in 10,000 to one in a million? Why should people who have been subject to a nuclear incident be further subjected to a relaxation of the standards EPA has previously deemed safe?

Proposed revisions to the 1992 PAGs Manual are undergoing review by the new Administration. This review process includes collaboration between EPA's Office of Air and Radiation, Office of Water, Office of Solid Waste and Emergency Response, and Office of General Counsel. At this point, we have not made any final decisions.

5. Is the EPA concerned that the "optimization" plans could set a precedent that would lead to less protective standards being applied to a broad range of scenarios, thereby causing an erosion of EPA public health protection standards? Please explain.

EPA's new Administration is reviewing the proposed addition of the optimization process into the PAGs Manual for use in addressing late-phase recovery efforts. Our review will take into account the relationship between guidance offered for use in the extraordinary circumstance of a radiological emergency and the traditional risk range employed in EPA's regulatory structure. At this point, we have not made any final decisions.

6. Will EPA withdraw its support for the use of optimization in other types of events, e.g., the controversial "dirty bomb" guidance issued during the previous Administration by a taskforce including EPA and the Department of Homeland Security, and EPA-DHS recent draft guidance for bioterrorism events? Why or Why not?

As noted, the new EPA leadership is reviewing the proposed revisions to the PAGs Manual, which includes the optimization process. This review will include consideration of the use of optimization for RDD and IND incidents under the guidance that was issued by DHS. Additional interagency discussions, including with DHS, may be needed.

The Obama Administration recently issued draft guidance for bioterrorism events for public review and comment. The draft guidance provides an optimization process for cleanup after a bioterrorism event. The Administration will review public comments received on the guidance, including those related to the optimization process, as we determine the appropriate course of action.

7. In September 2009, EPA issued new guidance on optimization following a radiological incident. Why would EPA do this, when this controversial approach from the prior Administration was supposed to be under review by the new Administration?

EPA has not issued any guidance on the use of optimization following a radiological incident. A draft internal document, "EPA Guidance on the Optimization Process Following a Radiological Dispersal Device or Improvised Nuclear Device Incident" has been in development as a result of a DHS tasking to EPA after the TOPOFF 4 radiological response exercise in 2007. The new Administration will be reviewing this document as part of its overall review of the optimization process for radiological incidents.

heads up on announcement: EPA Takes Next Step to Implement 2008 Ozone Standards

Cheryl Mackay to: 05/01/2012 01:00 PM

Cc: Patricia Haman, Diann Frantz, Jacqueline Silvers
michael.beckerman, maryam.brown, mary.neumayr, david.mccarthy, heidi.king,
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grant.culp, ben.stoltzfoos, elizabeth.mortenson, nathan.rea, eric.hultman,

From: Cheryl Mackay/DC/USEPA/US

To:

Cc: Patricia Haman/DC/USEPA/US@EPA, Diann Frantz/DC/USEPA/US, Jacqueline Silvers/DC/USEPA/US@EPA

Bcc: michael.beckerman@mail.house.gov, maryam.brown@mail.house.gov, mary.neumayr@mail.house.gov, david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov, michael.weems@mail.house.gov,

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Today EPA is announcing designations for the 2008 ozone standard. The press release and weblink are below, and a fact sheet is attached. Please keep this information close hold until the website goes live at around 1:30. Please let me know if you have questions. Thanks.

EPA Takes Next Step to Implement 2008 Ozone Standards

Most areas that need to take steps to reduce ozone pollution are close to meeting the standards; only three new areas have been added

WASHINGTON – Working closely with states and tribes, the U.S. Environmental Protection Agency (EPA) is identifying areas that meet or do not meet the 2008 air quality standards for ground-level ozone, known as smog. The agency's approach to implementing these standards will improve air quality, protect public health, increase certainty for states and tribes, maximize flexibilities and minimize the burden on state, tribal and local governments. Breathing air containing high levels of smog can reduce lung function and increase respiratory symptoms, aggravating asthma or other respiratory conditions. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.

In 2008, EPA set new smog standards at 75 parts per billion. Working with states and tribes and following an open public process that included a 45-day public comment period, EPA has determined that 45 areas across the country, including two separate areas of Indian country, are not meeting the 2008 standards based on the most recent certified air quality data. Almost all of these areas already have programs in place to improve air quality because they did not meet the 1997 smog standards. Only three areas will be identified for the first time as not meeting smog standards. Reflecting ongoing improvements in air quality, EPA is identifying fewer areas that do not meet the 2008 standards than the agency identified as not meeting the 1997 standards.

Reducing smog and improving air quality is a shared responsibility of federal, state, local and tribal governments. National clean air programs such as EPA's standards to reduce power plant emissions that cross state lines, clean vehicle and fuel standards, and more locally focused state, tribal air quality programs are already contributing to air quality improvements. These actions will help areas meet the standards and protect public health. In addition, EPA expects that most areas would be able to meet the 2008 standards as a result of recent and pending rules.

The Clean Air Act requires EPA to review and, if necessary, revise air quality standards every five years to ensure that they protect public health with an adequate margin of safety. Following a change in

standards, EPA works with states and tribes as appropriate to identify areas that do not meet the standards and establish plans to improve air quality. EPA continues to work to review the science needed to inform the next five-year review of the smog standards and currently expects to propose action in 2013.

More about final designations throughout the country:
http://www.epa.gov/ozonedesignations/2008standards/index.htm

Cheryl A. Mackay
U.S. EPA
Office of Congressional Relations
tel: (202) 564-2023
fax: (202) 501-1550

Final-Overview-QA-ozone-des.pdf

Final Designations for the 2008 National Air Quality Standards for Ozone

Overview Questions and Answers

ACTION

EPA is implementing the 2008 ozone standards as required by the Clean Air Act. EPA is taking the next step to implement the 2008 standards as quickly as possible. Meeting these standards will provide important public and environmental health benefits. EPA has worked closely with states and tribes to identify areas in the country that meet the standards and those that need to take steps to reduce ozone pollution.

EPA's final designations are based on air quality monitoring data, recommendations submitted by the states and tribes, and other technical information including emissions, commuting patterns, population growth, weather patterns and topography. EPA will work closely with states and tribes to implement the standards using a common-sense approach that improves air quality, maximizes flexibilities under the Clean Air Act and minimizes burden on state and local governments.

Breathing air containing high levels of ozone can reduce lung function and increase respiratory symptoms, aggravating asthma or other respiratory conditions. Ozone exposure also has been associated with increased susceptibility to respiratory infections, medication use by asthmatics, doctor visits, and emergency department visits and hospital admissions for individuals with respiratory disease. Ozone exposure may also contribute to premature death, especially in people with heart and lung disease.

Reducing smog and improving air quality is a shared responsibility of the federal, state, local and tribal governments. EPA recognizes that air pollution can cross state boundaries contributing to violations in downwind states. National rules such as the Cross State Air Pollution Rule and clean vehicle and fuel standards and more locally focused state, tribal and local air quality programs will reduce pollution and protect public health. Most areas will be able to meet the 2008 standards as a result of recent and pending rules.

Questions &Answers

What areas does this action affect?

EPA is designating all of the country except the Chicago-Naperville, Illinois-Indiana-Wisconsin area, as meeting or not meeting the 2008 ozone standards. The final designation for the Chicago-Naperville area will occur by May 31, 2012.

Air quality across continues to improve across the nation as a result of successful federal, state and local pollution reduction efforts. EPA designated 113 areas as not meeting the 1997 ozone standards set at 84 parts per billion. Less than half that number are not meeting the 2008 standards. In addition, many of the areas designated today cover a smaller geographic area than the previous standards.

Forty-five areas are designated "nonattainment" for the 2008 ozone standards. Two of these are tribal areas designated separately from the surrounding state areas for the first time.

Final designations for states: www.epa.gov/ozonedesignations/2008standards/state.htm

Final designations for tribes: www.epa.gov/ozonedesignations/final/tribalf.htm

Map of areas: www.epa.gov/ozonedesignations/2008standards/final/finalmap.htm

List of nonattainment areas: www.epa.gov/ozonedesignations/2008standards/final/finaldes.htm

Only three areas in two states (California and Wyoming) have not been nonattainment for previous ozone standards. Wyoming is the only state that has not previously had an area designated nonattainment for ozone.

What has happened so far in the process to designate areas for the 2008 ozone standards?

The designation process begins with state governors evaluating air quality monitoring data across their state along with other factors, such as sources of pollutants that form ozone and weather patterns, then making recommendations to EPA for how all areas in the state should be designated. Tribal leaders may also make area recommendations but they are not required to do so.

States and tribes provided their initial designation recommendations for the 2008 ozone standards in 2009 based on the most recent three years of air quality monitoring data – generally 2006 to 2008. In 2011, many states and tribes provided EPA with updates to their original recommendations. EPA is making final designations using air quality monitoring data from 2008, 2009 and 2010 – generally the most recent three years of certified data available – and in some cases using data from 2009, 2010, and 2011. The Agency considered data through 2011 if a state certified it as complete and submitted it for consideration by February 29, 2012 – 2 months earlier than required.

What happens next in the process?

Each area that is designated as not meeting the 2008 standards is assigned a classification based on how close they are to meeting the standards. These classifications include Marginal (closest to meeting the standards), Moderate, Serious, Severe, and Extreme (farthest from meeting the standards). Most of the nonattainment areas (36) for the 2008 standards are initially being classified as Marginal. EPA expects these areas would be able to meet the standards within three years, usually as a result of recent and pending federal pollution control measures.

States with areas classified as Moderate or higher must detail control requirements in plans demonstrating how the areas will meet the 2008 ozone standards. Those plans are known as state implementation plans, or SIPs, and are expected to be submitted to EPA by 2015 -- within three years of final designations. States may need to implement additional measures to control emissions of nitrogen oxides and volatile organic compounds – the pollutants that react in the atmosphere to form ozone – so that these areas attain the standards as soon as possible.

EPA continues to work on the next five-year review of the smog standards and currently expects to propose action in 2013.

What will states need to do to come into attainment?

The Clean Air Act requires state and local governments to take steps to control ozone pollution in nonattainment areas within their states and to address air pollution from their states that is adversely affecting air quality in downwind states. Those steps may include stricter controls on industrial facilities and additional planning requirements for transportation-related sources. Implementation requirements will be phased in over several years, and areas with worse problems will have more time to comply with the standards.

Nonattainment areas must implement "transportation conformity," which requires local transportation and air quality officials to coordinate planning to ensure that transportation-related emissions from projects, such as road construction, do not interfere with an area's ability to reach its clean air goals. Transportation conformity requirements become effective one year after an area is designated as nonattainment.

Major industrial sources of emissions of nitrogen oxides and volatile organic compounds – the pollutants that react in the atmosphere to form ozone in nonattainment areas also are subject to new source review requirements. New Source Review is a permitting program for industrial facilities that ensures new and modified sources of pollution do not impede progress toward cleaner air.

Nonattainment areas classified as moderate or higher and are home to over 200,000 people must implement an inspection and maintenance program to control emission of smog forming compounds from vehicles. No areas will need to implement an inspection and maintenance program that do not currently have programs in place.

In areas that are designated "unclassifiable/attainment," states will not have to take new steps to improve air quality, but they have programs in place, including monitoring and permitting programs to help prevent air quality in these areas from deteriorating to unhealthy levels.

How did EPA determine which areas were meeting or not meeting the standards?

After EPA sets a new National Ambient Air Quality Standard or revises an existing standard, the Clean Air Act requires the agency to formally determine whether areas are meeting the standards (attainment), not meeting the standards (nonattainment), or there is not enough information to make a determination at this time (unclassifiable). EPA is implementing the 2008 standards—0.075 parts per million—as required by the Clean Air Act. A nonattainment area is one where air quality does not meet the ozone standards, and also includes nearby sources that contribute to poor air quality in the area.

EPA works closely with the states and tribes to make these decisions. States and, in many cases, tribes submit recommendations to the agency. The recommendations for the 2008 ozone standards were initially submitted in 2009, and many were updated in 2011. For the majority of the areas, EPA agreed with the states' recommendation.

Why is EPA implementing the 2008 ozone standards now?

The Clean Air Act requires EPA to review and, if necessary, revise air quality standards every five years to ensure that they protect public health with an adequate margin of safety. Following

a change in standards, EPA works with states and tribes as appropriate to identify areas that do not meet the standards and establish plans to improve air quality. In 2008, EPA set a new standard at 0.075 parts per million and EPA is taking the next step to implement these standards.

Working closely with the states and tribes, EPA is implementing the standards using a common sense approach that will improve air quality and minimize the burdens on state and local governments. Federal safeguards like the Mercury and Air Toxics Standards and the Cross-State rule and existing vehicle engine and tailpipe standards will significantly help many areas meet these standards without requiring additional action.

What is EPA doing to help the states meet the 2008 ozone standards?

History shows that cleaner air, better health and economic growth go hand-in-hand. Working closely with the states and tribes, EPA is implementing the 2008 ozone standards using a common sense approach that improves air quality, maximizes flexibilities and minimizes burden on state and local governments.

EPA recognizes that it shares the responsibility with the states and tribes for reducing ozone air pollution. Current and upcoming federal standards and safeguards, including pollution reduction rules for power plants, industry, vehicles and fuels, will assure steady progress to reduce smog-forming pollution and will protect public health in communities across the country.

EPA will be assisting state, local and tribal air agencies by identifying existing emission reduction measures as well as relevant information concerning the efficiency and cost-effectiveness of the measures. State, local and tribal agencies will be able to use this information in developing emission reduction strategies, plans and programs.

For more information on the designation process for ozone, please visit:
http://epa.gov/ozonedesignations/

Re: Briefing on distribution of grants for clear air program activities
Joseph, Avenel to: Cheryl Mackay 05/24/2012 03:19 PM

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>
To: Cheryl Mackay/DC/USEPA/US@EPA

Yes. It will probably be myself, Michal Freedhoff and Ana Unruh-Cohen.

Avenel Joseph, M.S., Ph.D.
Office of Rep. Edward J. Markey

From: Cheryl Mackay [mailto:Mackay.Cheryl@epamail.epa.gov]
Sent: Thursday, May 24, 2012 03:12 PM
To: Joseph, Avenel
Subject: Re: Briefing on distribution of grants for clear air program activities

I think we are close. Just to confirm- the briefing will be just for Congressman Markey's personal staff?

From: "Joseph, Avenel" [Avenel.Joseph@mail.house.gov]
Sent: 05/24/2012 02:54 PM AST
To: Cheryl Mackay
Subject: RE: Briefing on distribution of grants for clear air program activities

Ok. Thank you.

Avenel Joseph, M.S., Ph.D.
Office of Congressman Edward J. Markey
2108 Rayburn House Office Building

From: Cheryl Mackay [mailto:Mackay.Cheryl@epamail.epa.gov]
Sent: Wednesday, May 23, 2012 4:36 PM
To: Joseph, Avenel

Subject: Re: Briefing on distribution of grants for clear air program activities

Avenel, Thanks for the VM on this earlier today. I am still working on getting time on people's calendars. It turns out this issue is going to go higher than the staff level and that has created some scheduling challenges... thanks for the patience.

Cheryl A. Mackay
U.S. EPA
Office of Congressional Relations
tel: (202) 564-2023
fax: (202) 501-1550

"Joseph, Avenel" ---05/15/2012 01:32:11 PM---Cheryl, Attached is the letter we received. We are trying to get better clarity on what's going on

From: "Joseph, Avenel" <Avenel.Joseph@mail.house.gov>
To: Cheryl Mackay/DC/USEPA/US@EPA
Date: 05/15/2012 01:32 PM
Subject: Briefing on distribution of grants for clear air program activities

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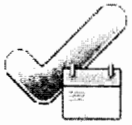
Cheryl,
Attached is the letter we received. We are trying to get better clarity on what's going on here.

Thanks,
Avenel

Avenel Joseph, M.S., Ph.D.
Office of Representative Edward J. Markey (MA-07)
2108 Rayburn House Office Building
Washington. DC 20515

(See attached file: Air Commissioners EPA Formula Funding Letter.pdf)



Accepted: call - EPA and Rep. Markey's staff - distribution of grants for clean air program activities

Thu 05/31/2012 1:30 PM - 2:30 PM

Location: call: 1-866-299-3188, code 202 564 2786

Michal.Freedhoff@mail.house.gov "Freedhoff, Michal" has accepted this meeting invitation	
Required:	Avenel.Joseph@mail.house.gov, Janet McCabe/DC/USEPA/US@EPA
Optional:	Emily Atkinson/DC/USEPA/US@EPA
FYI:	

May 11, 2012

Dear New England and Northwest Congressmen and Congresswomen,

We are writing collectively to bring to your attention an important issue regarding the allocation of federal funding for air quality programs in New England and the Northwest/Alaska. Simply put, the United States Environmental Protection Agency (EPA) plans to implement a new funding formula that will reduce our share of federal air program funding by 30% to 40% over the next seven to eight years, and redistribute those funds to other regions of the country. We request your help to prevent this outcome.

When EPA made a similar proposal to reallocate the grants last year, we worked with many of you to raise awareness about the potential adverse impacts of the proposed formula. Because of your successful advocacy, the revised funding formula was not implemented, and we are grateful for your efforts on this issue. Unfortunately, further attention is needed this year.

EPA has announced two changes in the distribution of fiscal year 2013 grants for air program activities:

1) EPA proposes to implement the revised Section 105 allocation formula for the distribution of state/local air grant funds. Under the proposed revision, EPA will reallocate funds to other areas of the country, rewarding regions with large populations that have not done as much as we have to improve air quality. While EPA has indicated that it will phase in the change, we will still experience reductions in funding year after year until our grant is reduced by 30% to 40%. These reductions will occur unless Congress dramatically increases the overall Section 105 funding available, or Congress directs EPA not to implement the reallocation until such time as Section 105 funding is significantly increased (which we hope can be included with this year's approval of EPA's budget).

2) Per direction from the Office of Management and Budget, EPA will transition air monitoring funds in support of the fine particulate matter pollutant (PM2.5) monitoring from under Section 103 of the Clean Air Act, where no match is currently needed, to under Section 105, which would require matching funds from states. Federal support under Section 103 would be reduced, with state and local agencies expected to make up the difference with state funds. This could mean that EPA reduces the funding for PM2.5 monitoring by 40% and would create a substantial additional burden on state and local air agencies throughout the country.

While we understand EPA's implementation of the revised allocation formula continues to be a priority for some Regions and EPA Headquarters, we are asking that any changes <u>not</u> be implemented in the manner EPA has laid out. Specifically, we believe any change in the funding formula that will affect state allocations should be delayed until there is a sufficient increase in the total Section 105 funding such that no Region sees a reduction in its prior year allocation. The New England and Northwest states simply cannot afford to lose federal funding, which affects our ability to staff our Air Quality programs that monitor and regulate air pollution, especially at a time when the EPA is issuing numerous new air quality requirements that we must implement and enforce. In addition, this proposed change in the formula comes on top of years in which categorical grants to states have remained flat or decreased.

As you know, the New England and the Northwest regions have historically been national leaders in air quality programs. Specifically, we have led the way on issues such as demonstrating the feasibility of advanced emissions controls for mercury on power plants, pioneering diesel retrofits for construction equipment and school buses, pioneering certification of cleaner woodstoves, and advancing the science of transported air pollution, to name a few. These efforts have helped our states make critical progress in protecting our environment and the health of our residents. Yet at the same time, the New England states continue to be heavily-- and disproportionately-- affected by transported pollution from upwind regions of the country, while the Northwest states (including Alaska) must monitor and regulate air quality in a land area that accounts for over a fifth of the country. EPA's proposed revision to the Section 105 funding formula, which would reduce funding by about $1 million for New England and $500,000 for the Northwest in the next fiscal year and further reduce our workforce dedicated to air quality programs, would exacerbate the challenges we already face combating air pollution.

Lastly, EPA's plan to shift monitoring funds from Section 103 to Section 105 authority leaves us concerned about our ability to meet the matching requirements and make up the lost funding for monitoring. Current PM2.5 levels in New England and the Northwest contribute to increased mortality, and disproportionately affect citizens whose health is compromised already.

We, the state Environmental Commissioners, therefore ask that you please work with your colleagues to prevent EPA from implementing the two proposed changes outlined above. We request your help to ensure that the air quality programs in the New England and Northwest states are, at least, level funded by EPA and that we continue receiving the funds necessary to monitor for PM2.5.

Thank you for your attention, assistance and support. Please contact Janet Coit of Rhode Island, Ken Kimmell of Massachusetts, Ted Sturdevant of Washington, or Larry Hartig of Alaska if you have any questions.

Best,

New England and Northwest State Environmental Commissioners

Larry Hartig, Commissioner
Alaska Department of Environmental Conservation

Daniel Esty, Commissioner
Connecticut Department of Environmental Protection

Curt Fransen, Director
Idaho Department of Environmental Quality

Kenneth Kimmell, Commissioner
Massachusetts Department of Environmental Protection

Thomas S. Burack, Commissioner
New Hampshire Department of Environmental Services

Dick Pedersen, Director
Oregon Department of Environmental Quality

Janet Coit, Director
Rhode Island Department of Environmental Management

David Mears, Commissioner
Vermont Department of Environmental Conservation

Ted Sturdevant, Director
Washington State Department of Ecology

cc: Lisa Jackson, Administrator, U.S. Environmental Protection Agency
Gina McCarthy, Assistant Administrator, U.S. Environmental Protection Agency

press advisory: Racial and Ethnic Asthma Disparities Action Plan

Cheryl Mackay to: 05/30/2012 10:43 AM

michael.beckerman, maryam.brown, mary.neumayr, david.mccarthy, heidi.king,
Bcc: anita.bradley, michael.weems, james.thomas, cory.hicks, chris.sarley,
grant.culp, "carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

From: Cheryl Mackay/DC/USEPA/US

To:

Bcc: michael.beckerman@mail.house.gov, maryam.brown@mail.house.gov, mary.neumayr@mail.house.gov, david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov, michael.weems@mail.house.gov,

This press advisory going out today. A fact sheet and the Administration's action plan are attached. Please let me know if you have questions. Thanks

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Cheryl A. Mackay
U.S. EPA
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tel: (202) 564-2023
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FOR IMMEDIATE RELEASE
Wednesday, May 30, 2012

THURSDAY: Obama Administration Task Force announces coordinated action plan to address asthma disparities

WASHINGTON - Thursday, U.S. Environmental Protection Agency (EPA) Administrator Lisa P. Jackson, Secretary of Health and Human Services (HHS) Kathleen Sebelius, and Secretary of Housing and Urban Development (HUD) Shaun Donovan, and White House Council on Environmental Quality (CEQ) Chair Nancy Sutley will join together at an event at Town Hall Education Arts Recreation Campus (THEARC), which houses The Boys and Girls Club of Greater Washington along with other community groups. Asthma rates of African American children are currently at 16%, while 16.5% of Puerto Rican children suffer from the chronic respiratory disease, more than double the rate of Caucasian children in the United States.

WHO: EPA Administrator Lisa P. Jackson,
HHS Secretary) Kathleen Sebelius,
HUD Secretary) Shaun Donovan
CEQ Chair Nancy Sutley

WHAT: Announcement of Coordinated Federal Action Plan to address asthma disparities

WHEN: Thursday, May 31st, 11:30 am EDT

WHERE: Boys and Girls Club of Greater Washington, THEARC, 1901 Mississippi Ave., S.E. Washington, DC 20020

Disparities FS.pdf

Federal Asthma Disparities Action Plan 052412[1].pdf

EPA United States Environmental Protection Agency
Indoor Environments Division
Office of Air and Radiation (6609J)
EPA-402-F-04-019
April 2012

ASTHMA FACTS

Asthma continues to be a serious public health problem. According to the Centers for Disease Control and Prevention:

- An estimated 25.7 million people, including approximately 7.1 million children, have asthma. [1,2]
  - Asthma prevalence is higher among persons with family income below the poverty level.
- Almost 13 million people report having an asthma attack in the past year. [3]
- Asthma accounts for over 15 million physician office and hospital outpatient department visits,[4] and nearly 2 million emergency department visits each year. [3]
- African Americans continue to have higher rates of asthma emergency department visits, hospitalizations, and deaths than do Caucasians:
  - The rate of emergency department visits is 330% higher. [3]
  - The hospitalization rate is 220% higher. [3]
  - The asthma death rate is 190% higher. [3]
- Approximately 3 million Hispanics in the U.S. have asthma and Puerto Ricans are disproportionately impacted:
  - The rate of asthma among Puerto Ricans is 113% higher than non-Hispanic white people and 50% higher than non-Hispanic black people. [3]
  - The prevalence of asthma attacks is highest among Puerto Ricans. [3]

Asthma in Children

- Asthma is one of the most common serious chronic diseases of childhood.
- Asthma is the third-ranking cause of hospitalization among children under 15. [5]
- An average of one out of every 10 school-aged children has asthma. [6]
- 10.5 million school days are missed each year due to asthma. [7]

The Cost of Asthma

- The annual economic cost of asthma, including direct medical costs from hospital stays and indirect costs such as lost school and work days, amount to more than $56 billion annually.[8]

Environmental Factors

- Indoor and outdoor environmental factors can trigger asthma attacks: dust mites, molds, cockroaches, pet dander, and secondhand smoke.

EPA

ASTHMA FACTS

Asthma Can be Controlled

- With a plan that includes medical treatment and control of environmental triggers, people with asthma can lead healthy, active lives.

Asthma and the Environment

Research by EPA and others has shown that:

- Dust mites, molds, cockroaches, pet dander, and secondhand smoke trigger asthma attacks.
- Exposure to secondhand smoke can cause asthma in pre-school aged children.
- Exposure to dust mites can cause asthma.
- Ozone and particle pollution can cause asthma attacks.
    - When ozone levels are high, more people with asthma have attacks that require a doctor's attention.
    - Ozone makes people more sensitive to asthma triggers such as pet dander, pollen, dust mites, and mold.

Learn more at https://www.epa.gov/asthma

References

1. National Center for Health Statistics Data Brief: Trends in Asthma Prevalence, Health Care Use, and Mortality: United States, 2001-2010

2. Centers for Disease Control and Prevention (2011, May). Asthma in the U.S. Vital Signs. Retrieved February 13, 2012, from http://www.cdc.gov/vitalsigns/Asthma/

3. Akinbami L. Asthma Prevelance, Health Care Use and Morality: United States 2005-2009. http://www.cdc.gov/nchs/data/nhsr/nhsr032.pdf

4. National Ambulatory Medical Care Survey: 2006 Summary, Table 12

5. DeFrances CJ, Cullen KA, Kozak LJ. National Hospital Discharge Society: 2005 Annual Summary with detailed Diagnosis and Procedure Data. National Center for Health Statistics. Vital Health Statistics 12 (165); 2007

6. American Lung Association, Epidemiology and Statistics Unit, Research Program Services. Trends in Asthma Morbidity and Mortality. February 2010. http://www.lungusa.org/finding-cures/our-research/trend-reports/asthma-trend-report.pdf

7. Akinbami L. Asthma Prevelance, Health Care Use and Morality: United States 2005-2009. http://www.cdc.gov/nchs/data/nhsr/nhsr032.pdf

8. Centers for Disease Control and Prevention (2011, May). Asthma in the U.S. Vital Signs. Retrieved February 13, 2012, from http://www.cdc.gov/vitalsigns/Asthma/

May, 2012

www.epa.gov/childrenstaskforce

President's Task Force on Environmental Health Risks and Safety Risks to Children

Coordinated Federal Action Plan to Reduce Racial and Ethnic Asthma Disparities

Coordinated Federal Action Plan to Reduce Racial and Ethnic Asthma Disparities

Approximately 7 million children aged 0 to 17 in the United States have asthma, with poor and minority children suffering a greater burden of the disease.[1] Asthma persists into adulthood and the costs to society are high: medical expenses associated with asthma are estimated to be $50 billion annually.[2] It is critical that we promote synergy across the numerous federal programs that affect asthma management in order to reduce this burden and these disparities. The magnitude of the problem of asthma disparities and the breadth of stakeholder involvement required to address it will necessitate enhancing the interagency coordination of partnerships that many of our federal programs already have with state and local health departments, nonprofit organizations, community asthma coalitions and asthma foundations. Preventable factors related to effective asthma management are well established. Coordinating our federal efforts will help us take appropriate actions to better address these known preventable factors in underserved populations.

In this plan, we propose to build on the strengths and lessons learned from past and existing federal asthma programs, combine efforts among federal programs at the community level, and develop collaborative strategies to fill knowledge gaps within existing resources. With clear evidence of broad commitment to reducing health disparities from federal, state, and local partners, the timing is right for this Coordinated Federal Action Plan to Reduce Racial and Ethnic Asthma Disparities *(Action Plan)* to accelerate actions that will reduce asthma disparities. The *Action Plan* presents a framework to maximize the use of our existing federal resources for addressing this major public health challenge during the next three to five years.

The *Action Plan* is founded on the following principles, which we believe offer the best foundation for effective and feasible federal efforts to address asthma disparities:

- Collaboration across federal agencies, other levels of government, and community partners.
- Utilizing existing federal resources and optimizing their impact through synergies.
- Emphasizing activities that address the preventable factors that impact asthma disparities.

The *Action Plan* reflects a broad-based consensus of federal agencies. It is an outcome of the collaborative interagency Asthma Disparities Working Group (see Appendix A), co-chaired by the U.S. Department of Health and Human Services (HHS), the U.S. Environmental Protection Agency (EPA), and the U.S. Department of Housing and Urban Development (HUD). The working group functions under the auspices of the President's Task Force on Environmental Health Risks and Safety Risks to Children, which has the objectives to identify priority issues of environmental health and safety risks to children that could best be addressed through interagency efforts, recommend and implement interagency actions, and communicate to federal, state and local decision makers information to protect children from risks. Representatives of the Asthma Disparities Working Group collected and synthesized recommendations of previous task forces and expert panels, along with input from members of the National Asthma Education and Prevention Program's (NAEPP) Federal Liaison Group on Asthma, extramural scientists, and leaders from national, regional and local community asthma programs. These recommendations were distilled into four overarching strategies, each of which is associated with several priority actions. The strategies and priority actions are described in detail below, starting on page 4.

The *Action Plan* aligns with federal initiatives, including Healthy People 2020 (see Appendix B), the HHS Action Plan to Reduce Racial and Ethnic Disparities,

[1] Akinbami, L.J., Mooreman, J.E., Bailey, C., Zahran, H., King, M., Johnson, C., & Liu, X. Centers for Disease Control and Prevention, National Center for Health Statistics. (2012). Trends in asthma prevalence, health care use, and mortality in the United States, 2001-2010. Retrieved from http://www.cdc. gov/nchs/data/databriefs/db94.pdf

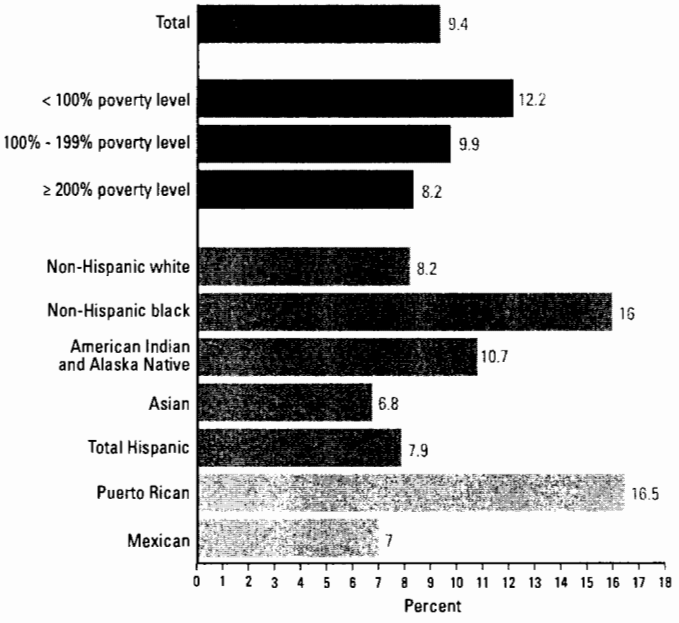
[2] Centers for Disease Control and Prevention (2011, May). Asthma in the U.S. Vital Signs. Retrieved February 13, 2012, from http://cdc.gov/vitalsigns

the National Stakeholder Strategy for Achieving Health Equity, the Surgeon General's Call to Action to Promote Healthy Homes, the National Prevention Strategy and the environmental justice strategic plans of HHS, HUD and EPA (Plan EJ 2014). Professional societies, non-governmental organizations and foundations with a focus on asthma; state and local governments; school associations; health care providers and insurers; and community asthma coalitions also have asthma programs targeted to minority communities. The combination of federal initiatives and federal-private sector partnerships offers promising opportunities to advance this *Action Plan*.

THE PROBLEM

Although the causes of asthma are poorly understood, we can document that asthma disproportionately affects minority children and children with family incomes below the poverty level.[3,4,5]

Current Asthma Prevalence Among Children, by percent of total population of 0 to 17 year olds, United States, 2007-2010



Source: CDC/NCHS, National Health Interview Survey, http://www.cdc.gov/asthma/nhis/default.htm

The prevalence of current asthma in the U.S. is 16 percent among non-Hispanic black children; 10.7 percent among American Indian and Alaska Native children; 6.8 percent among Asian; 8.2 percent among non-Hispanic white; and 7.9 percent among Hispanic children (16.5 percent among Puerto Rican children and 7 percent among Mexican children).

- Currently, 12.2 percent of children with a family income less than 100 percent of the federal poverty level have asthma – compared to 9.9 percent of children with a family income up to 200 percent of the federal poverty level, and 8.2 percent of children with a family income greater than 200 percent of the federal poverty level.
- On top of disparities in the prevalence, there are significant racial and ethnic disparities in asthma outcomes (e.g., measures of asthma control, exacerbation of symptoms, quality of life, health care utilization and death). Among children with asthma, black children are:
  - Twice as likely to be hospitalized.
  - More than twice as likely to have an emergency department visit.
  - Four times more likely to die due to asthma than white children.
- Minority children are less likely than white children to be prescribed or take recommended treatments to control their asthma, and are less likely to attend outpatient appointments.[6]

The burden of asthma also includes ripple effects in day-to-day life. For example, asthma affects the ability of children to fully engage in school and be physically active.

- In 2008, asthma accounted for 10.5 million missed school days.[7]
- Children with more severe asthma and/or nighttime symptoms are more likely to suffer academically than those with more mild symptoms.[8]

[3] Akinbami, L., Mooreman, J., Bailey, C., Zahran, H., King, M., Johnson, C., & Liu, X. Centers for Disease Control and Prevention, National Center for Health Statistics. (2012). Trends in asthma prevalence, health care use, and mortality in the United States, 2001-2010. Retrieved from http://www.cdc.gov/nchs/data/databriefs/db94.pdf

[4] Centers for Disease Control and Prevention, National Center for Health Statistics. Health Data Interactive. Retrieved from www.cdc.gov/nchs/hdi.htm

[5] Akinbami, L.J., Garbe P.L., Moorman J.E., & Sondik E.J. (2009). Status of childhood asthma in the United States, 1980-2007. Pediatrics, 123, S131-S145.

[6] Crocker, D., Brown, C., Moolenaar, R., et al. (2009). Racial and ethnic disparities in asthma medication usage and health care utilization. Chest, 136 (4), 1063-1071.

[7] Akinbami, L.J., Mooreman, J.E., Bailey, C., Zahran, H., King, M., Johnson, C., & Liu, X. Centers for Disease Control and Prevention, National Center for Health Statistics. (2012). Trends in asthma prevalence, health care use, and mortality in the United States, 2001-2010. Retrieved from http://www.cdc.gov/nchs/data/databriefs/db94.pdf.

[8] Diette, G.B., Markson, L., Skinner, E.A., et al. (2000). Nocturnal asthma in children affects school attendance, school performance, and parents' work attendance. Archives of Pediatrics & Adolescent Medicine, 154, 923-928.

- Children with asthma are more likely to be overweight and obese than children without asthma.[9]

PREVENTABLE FACTORS THAT CONTRIBUTE TO DISPARITIES IN THE BURDEN OF ASTHMA

Although we do not yet have interventions to prevent the onset of asthma, and research is urgently needed in this area, we do have a clear understanding of how to prevent asthma morbidity and improve the control of asthma and quality of life for individuals who have the disease. The National Asthma Education and Prevention Program Guidelines for the Diagnosis and Management of Asthma establishes that effective asthma care must be comprehensive and include four key components: pharmacologic treatment, education to improve self-management skills of the patient and their family, reduction of environmental exposures that worsen asthma, and monitoring the level of asthma control to adjust a patient's management plan accordingly.[10] Thus, the major routes currently available for us to reduce asthma disparities will be to ensure that evidence-based, comprehensive asthma care is available to ethnic and racial minority children who have asthma. Barriers to delivery of this care have been identified as preventable factors that contribute to disparities in the burden of asthma. This *Action Plan* addresses the preventable factors that are described below.

Barriers to the implementation of guidelines-based asthma care

- **Medical care factors**
  - Limited access to quality health care and asthma self-management education that is patient-centered and culturally sensitive.
  - Episodic and fragmented care, as a result of the type of care available and the affordability of care. This factor is also influenced by cultural norms regarding health care seeking behaviors.
  - Low levels of health literacy.
  - Barriers (including costs) to adherence to prescribed medications and to measures to control environmental exposures.
- **Physical and psychosocial environmental factors**
  - Environmental exposures to allergens and pollutants in the home and school settings which exacerbate asthma.
  - Lack of family resources and community support for appropriate asthma self-management behaviors.
  - Higher levels of chronic stress and acute exposures to violence, which exacerbates asthma and impedes adherence to therapy.
  - Competing family priorities, such as access to food or secure housing, that impact a family's ability to address asthma.

Lack of local capacity to deliver community-based, integrated, comprehensive asthma care

- Lack of coordination across service delivery agents.
- Limited community-level activities to reduce outdoor air pollution.
- Limited models and cost benefit analyses for integrated community partnerships.

Gaps in capacity to identify and reach children most at risk

- Variability in the data collected at local, state and national levels.
- Limited use of innovative technologies to identify populations at highest risk for poor outcomes.

The *Action Plan* identifies four strategies and priority actions that will address the preventable factors leading to asthma disparities that are listed above. The top priority actions for immediate attention are presented here and summarized in Appendix C. As they are implemented, the four strategies will reinforce each other, maximizing their impact. While this plan focuses on reducing asthma disparities among children, asthma disproportionately impacts people of all ages in minority and low income communities. Implementation of this plan will likely benefit people with asthma in all age groups and contribute to reducing disparities across life stages.

[9] Visness, C.M., London S.J., Daniels, J.L. et al. (2010). Association of childhood obesity with atopic and non-atopic asthma: results from the National Health and Nutrition Examination Survey 1999-2006. J Asthma, 47 (7), 822-829.

[10] National Heart, Lung, and Blood Institute, National Asthma Education and Prevention Program (2007). Expert Panel Report 3: Guidelines for the Diagnosis and Management of Asthma, (NIH Publication No. 07-4051).

Strategy One

Reduce barriers to the implementation of guidelines-based asthma management.

The National Asthma Education and Prevention Program (NAEPP) Guidelines for the Diagnosis and Management of Asthma emphasize an evidence-based comprehensive approach to asthma management. Implementation of the guidelines through federal agencies and federal/private partnerships has generated considerable improvements in asthma outcomes for patients across the country. For example, the number of deaths for all ages due to asthma has declined by 25% from 1987 to 2009 and hospitalizations stabilized; fewer patients who have asthma report limitations to activities; and an increasing proportion of people receive formal patient education.[5,9,11] However, the persistence of significant asthma disparities among racial and ethnic minorities reveals that there is more work to be done.

Three fundamental actions are required to extend the benefits of guidelines-based care to children most in need.

1. Support strategies that improve access to care that is consistent with NAEPP guidelines.
2. Use innovative technologies to reach, engage and educate patients and families in communities affected by racial and ethnic asthma disparities.
3. Institute policies and programs to reduce environmental exposures in federally assisted housing, child care facilities and schools.

Comprehensive asthma care reduces hospitalizations and emergency department visits. While there are no large-scale cost-effectiveness evaluations, comprehensive asthma care programs at the local level, including private hospitals' and health insurers' programs, have shown sufficient success that they have been integrated into routine practice.[12] More studies are needed, including economic analyses to better understand what type of program, in what setting, offers the greatest value or cost savings. Given the strong evidence that guidelines-based asthma care is effective in reducing urgent care, hospitalizations and activity limitations, and in improving day-to-day asthma control and quality of life, we can expect reasonable value when programs are targeted to those patients at high risk of poor outcomes.

The specific actions below represent the Federal Government's unique role in extending the reach and impact of asthma programs delivering guidelines-based care.

Priority Actions:

1.1 Explore strategies to expand access to asthma care services. Services include patient education, home environment interventions, asthma medication, appropriate follow up and, after urgent visits, subspecialty services.

- Update federal guidance to health care purchasers and planners regarding the Key Clinical Activities for Quality Asthma Care.[13]
- Analyze information gathered from Centers for Medicare & Medicaid Services (CMS) activities (e.g., asthma quality improvement projects and demonstrations) to identify potential improvements to asthma care.

Key Organizations Involved: CDC, CMS, EPA and NIH (NHLBI).

[11] Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services. Healthy People 2010. Retrieved from http://healthypeople.gov/2020/default.aspx

[12] Hoppin P, Jacob M, Stillman L. Investing in best practices for asthma: a business case. 2010; retrieved from www.asthmaregionalcouncil.org

[13] Centers for Disease Control and Prevention. Key clinical activities for quality asthma care: recommendations of the National Asthma Education and Prevention Program. MMWR 2003;52 (No. RR-6):[1-9].

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1.2 In health care settings, coordinate existing federal programs in underserved communities to improve the quality of asthma care.

- Train providers in primary care settings (including health centers funded by the Health Resources and Services Administration (HRSA), National Health Service Corps sites and hospital outpatient clinics) to practice NAEPP guidelines-based asthma care using knowledge management portals as training venues.
- Create collaborations among stakeholders (including health departments, Federally Qualified Health Centers, healthy homes projects, hospital outpatient clinics and environmental and housing inspectors, and programs that serve children with developmental disabilities given that these children may have asthma as a comorbidity) to share resources and facilitate comprehensive home visits for patients who have asthma.
- Promote quality asthma care for racial and ethnic minorities in Medicaid and the Children's Health Insurance Program (CHIP).
- Expand dissemination of demonstration project models for asthma quality improvement programs in primary care settings.
- Coordinate federal initiatives targeting other health and health care delivery improvements in underserved communities, such as:
  - Patient-provider communication.
  - Provider cultural competency.
  - Family health literacy.
  - Tobacco-free living.
- Facilitate the engagement of health care providers who have not been reached by traditional continuing medical education methods.

Key Organizations Involved: AHRQ, CDC, CMS, EPA, HRSA, HUD and NIH (NHLBI, NICHD, NIMHD).

1.3 In homes, reduce environmental exposures.

- Encourage federal grantees who conduct home visits for asthma to adopt the relevant Task Force on Community Preventive Services' Community Guide recommendations, and encourage federal partners who support home visit programs to do the same (http://www.thecommunityguide.org/asthma/multicomponent.html).
- Recommend that owners and managers of federally assisted housing implement building-wide practices and policies that reduce exposures to secondhand smoke, pests, mold and other asthma triggers.
- Encourage state and local governments to consider strategies to help reduce exposure to secondhand smoke, pests, mold and other asthma triggers in homes.

Key Organizations Involved: CDC, CPSC, DOE, EPA, HUD and USDA.

1.4 In schools and child care settings, implement asthma care services and reduce environmental exposures, using existing federal programs in collaboration with private sector partners.

- Promote the use of asthma action plans through outreach and education to schools, school districts, Head Start and child care providers.
- Deliver technical assistance and training to schools and child care centers, including Head Start, to foster implementation of programs and policies that improve environmental conditions as well as the health, physical activity and productivity of children with asthma.
- Develop and disseminate demonstration projects for school-based asthma case management.
- Train providers in school-based health care settings to practice NAEPP guidelines-based asthma care.

Key Organizations Involved: ACF, AHRQ, CDC, CPSC, ED, EPA, HRSA and NIH (NHLBI, NICHD, NIEHS).

Strategy Two

Enhance capacity to deliver integrated, comprehensive asthma care to children in communities with racial and ethnic asthma disparities.

Programs that focus on a single preventable factor have demonstrated benefits, but their impact has been limited in magnitude and sustainability. A broader, systems-oriented approach is necessary – one that addresses the multi-factorial nature of asthma disparities through holistic, coordinated, community-wide interventions. Coordination among existing federal asthma programs will accelerate the development and implementation of community-based asthma care systems.

Priority Actions:

2.1 Promote cross-sector partnerships among federally supported, community-based programs targeting children who experience a high burden of asthma.

- Disseminate effective methods (developed as an outcome of Strategy Three, detailed below) of identifying and tracking children most in need of comprehensive, integrated interventions (e.g., those with frequent school absences, emergency department visits and/or hospitalizations).
- Promote the use of data-sharing mechanisms, such as e-health records, among health care providers, case managers and supporting entities (e.g., hospitals, pharmacies, schools) with appropriate privacy protections.
- Encourage coordination with other health and housing programs targeting the same population to identify opportunities to improve asthma management, incorporate activities that will reduce environmental exposures, and encourage referrals of their clients to health services that provide comprehensive asthma management. Such complementary programs may include, for example:
  - Tobacco control.
  - Obesity prevention.
  - Home environment interventions (e.g., healthy homes; weatherization; radon, lead and wood smoke reduction efforts).
  - Programs serving children with developmental disabilities.
- Create opportunities for asthma programs and other organizations serving the same population (e.g., Federally Qualified Health Centers, local health departments, hospital emergency departments, outpatient clinics and community health programs) to meet and exchange ideas for improving collaboration, increasing community awareness about asthma care, and reducing barriers to care.
- Expand the use of practical implementation tools that link all elements of care (e.g., schools, families and health/social service providers).

Key Organizations Involved: AHRQ, CDC, CMS, DOE, ED, EPA, HUD, HRSA, all other HHS agencies and NIH (NHLBI, NICHD, NIEHS, NIMHD, NINR).

2.2 In communities that experience a high burden of asthma, protect children from health risks caused by short- and long-term exposure to air pollutants. National federal air environmental regulations will continue to form the foundation for environmental health protections nationwide. EPA will continue to use the best science to develop environmental regulations and will work closely with federal, state and local partners to ensure effective implementation of federal environmental statutes, with a particular focus on improving regional and local air quality. State and local policies and practices could build on this foundation to foster healthy and sustainable communities and neighborhoods. Federal guidance, technical assistance, and tools such as the Air Quality Index and EnviroFlash are available and will be

disseminated to state, tribal and local planning efforts to reach communities in need.

Focus on supporting communities in their efforts to address:

- Sustainable Transportation.
- School siting, new construction, renovations, repairs, operations and maintenance.
- Public awareness.

Key Organizations Involved: CDC, CPSC, DOT, EPA, HUD and NIH (NIEHS).

2.3 Conduct research to evaluate models of partnerships that empower communities to identify and target disparate populations and provide comprehensive, integrated care at the community level. To rigorously test the impact and sustainability of a systems-based approach to asthma care, a collaborative federal research effort will support the development and evaluation of models for community partnerships that provide care in clinical, home, child care and school settings, with appropriate linkages across all settings, for children at high risk of poor asthma outcomes. We believe that these models will empower children and their families to overcome barriers to asthma management, correct the preventable factors that contribute to poor asthma outcomes, and reduce disparities at a community level. The asthma partnership models should address the preventable factors in a coordinated manner and should examine the relative contribution of various social determinants of health to asthma disparities.

The partnership models should:

- Identify children most in need of comprehensive, integrated care.
- Provide quality medical care based on NAEPP guidelines, and encourage establishment of medical homes for children in at-risk communities.
- Teach age-appropriate self-management skills and address family concerns about asthma and seeking health care.
- Coordinate with programs that conduct home visits for patients with asthma to reduce levels of environmental allergens and irritants and to reinforce asthma self-management education.
- Coordinate with child care and school programs to ensure support for children's asthma management plans, and to ensure communication with families and health care providers when asthma is not well-controlled in the child care or school setting.
- Link those who provide medical care and those who provide supportive services (e.g., self-management education, home visits), as well as child care providers and schools. As appropriate, link asthma programs with social service programs.
- Foster community-wide efforts to reduce environmental exposure to indoor and outdoor allergens and irritants, and link those efforts across the continuum of care.

Key Organizations Involved: ACF, AHRQ, CDC, EPA, HRSA, HUD and NIH (NHLBI, NIAID, NICHD, NIEHS, NIMHD).

2.4 Examine the relative contribution and cost-effectiveness of different components of a system-wide partnership program. Although it is likely that multi-component programs are necessary to implement meaningful, lasting changes in asthma disparities, it is not clear how resources should be apportioned to the different components. It will be important to evaluate different models and their relative success in order to guide future program planning.

Key Organizations Involved: ACF, AHRQ, CDC, EPA, HRSA, HUD and NIH (NHLBI, NIEHS, NIMHD).

Strategy Three

Improve capacity to identify the children most impacted by asthma disparities.

Recent technological innovations, such as health geographic information systems (GIS), can be harnessed to identify disease clusters and determine variations in the cost, quality and outcomes of various policies and interventions. It is imperative that we extract greater value from existing data through this type of hot-spot analysis. We must also increase the specificity, uniformity and quality of data collection and reporting procedures. Achieving federal coordination and harmonization of definitions of asthma measures and outcomes, as well as data collection and reporting methodologies, will equip us to better identify subpopulations in need. Results of these efforts will be used to guide resource allocation decisions, target outreach efforts, assess program outcomes, and inform public health policy and program enhancement decisions.

Priority Actions:

3.1 Investigate the added value of emerging technologies to enhance identification of target populations and risk factors. Promote and evaluate mapping and spatial analysis to understand asthma occurrence and outcomes. Examples of technologies we propose to explore include health GIS, environmental exposure GIS, spatial epidemiology and hot-spot analyses. We encourage researchers to consider expanding spatial analyses to include socio-economic and contextual factors that may be associated with geographic regions and populations in need of enhanced interventions.

Key Organizations Involved: CDC, EPA, HRSA and NIH (NHLBI, NIAID, NIEHS).

3.2 Standardize definitions, measures, outcomes and data/information collection methods, and maximize availability and use of collected data across federal asthma programs. We anticipate that standardization will include developing greater depth and detail, increasing validity, and optimizing collection methods (with appropriate attention to privacy protections) to improve comparability and comprehensiveness of data/information.

- Develop standards. Apply standardization to four main areas:
  - Surveillance (health surveys, administrative data abstraction).
  - Research (clinical, epidemiologic and translational).
  - Asthma program monitoring and evaluation.
  - Health care provision.
- Adopt the recommendations of the NIH Asthma Health Outcomes Workshop Report for research and health care settings that collect and use clinical outcome data.[14]
- Ensure that federally conducted or supported health care, public health programs, activities, research, and surveys consistently use, collect and report data according to these standards, as appropriate.
- Disseminate data. Incorporate asthma disparities indicators into the National Environmental Public Health Tracking Network.
- Share data. Develop and implement data sharing policies across the federal government to maximize the impact of data and reduce redundant efforts.

Key Organizations Involved: AHRQ, CDC, CPSC and NIH (NHLBI, NIAID, NICHD, NIEHS).

[14] Standardizing asthma outcomes in clinical research: report of the asthma outcomes workshop. J Allergy and Clinical Immunology. 2012; 129 (3), Supplement.

3.3 Promote the use of standard definitions, measures, outcomes and information/data collection methods in state, local and community settings.

- Disseminate guidance on core indicators and measures through publications and non-federal partner organizations.
- Work with public health journals to encourage inclusion of core measures in asthma-related manuscripts.
- Promote the adoption of standards developed for federal programs across the network of state, local and community programs.

Key Organizations Involved: CDC, EPA and HRSA.

Strategy Four

Accelerate efforts to identify and test interventions that may prevent the onset of asthma among ethnic and racial minority children.

The cause or causes of asthma, and of the racial and ethnic disparities in the prevalence of asthma, are not fully understood. Available evidence indicates that asthma is caused by an interaction of genetic factors and environmental exposures, and recent advances suggest that exposures *in utero* and during early childhood (e.g., allergens, environmental tobacco smoke, viral respiratory infection) can be critical.[15,16] To date, there are no evidence-based interventions to recommend for preventing the onset of asthma. However, a strong association has been identified between smoking and wheezing illness in infants, which, although not certain, may influence the development of asthma. Other targets for potential preventive strategies have been identified (e.g., the microbiome, nutritional deficiencies). Research is urgently needed to better understand the factors that lead to asthma development and test primary prevention interventions that appear to be the most promising based on current knowledge.

Priority Actions:

4.1 Reduce exposure to maternal smoking and environmental tobacco smoke (ETS; also known as secondhand smoke) among pregnant women and infants. There is evidence of an association between maternal smoking and ETS exposure during pregnancy and the development of wheezing illness and asthma in young children, although a causal relationship is not established. Reducing exposure to ETS may reduce the risk of wheezing in infants, which may influence the development of asthma or the progression of asthma severity later in childhood. Steps that can be taken, which also have other known health benefits, include:

- Promote smoke-free living in federally assisted housing.
- Provide information about the association of prenatal exposure to environmental tobacco smoke and wheezing in infants to federal

[15] National Research Council. Clearing the Air: Asthma and Indoor Exposures (2000). Institute of Medicine, National Academy Press.

[16] Yeatts, K., Sly, P., Shore, S. et al., (2006) A brief targeted review of susceptibility factors, environmental exposures, asthma incidence, and recommendations for future asthma incidence research.. Environmental Health Perspectives 141(4): 634-640.

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programs that promote tobacco-free living among pregnant women (e.g., through brochures, public service announcements, community health programs).

Key Organizations Involved: ACF, CDC, EPA, HUD and NIH (NICHD).

4.2 Establish priorities and collaborations for research across federal agencies to test interventions that may prevent the onset of asthma and reduce disparities in the incidence of asthma.

The research will examine:

- The contributions of prenatal exposures, early life exposures and cumulative exposures (e.g., aero-allergens, environmental tobacco smoke, respiratory infections, residential location, and air pollutants).
- The role of cultural and social determinants.
- The interaction of genetic factors and environmental exposures.
- The impact of low birth weight.
- The basis for disparities in asthma prevalence.
- The impact of comprehensive asthma management for pregnant women who have asthma on reducing risk of asthma in their children.

Key Organizations Involved: DOE, EPA, HUD and NIH (NHLBI, NIAID, NICHD, NIEHS, NIMHD).

4.3 Coordinate asthma research programs across federal agencies that support observational follow up of birth cohorts. Coordination will enable agencies to identify opportunities for harmonization of data, the pooling of data, and collaboration in data analysis to better understand the potential mechanisms of the origins of asthma. Coordination should also include collaboration, as appropriate, with the National Children's Study.

Key Organizations Involved: EPA and NIH (NHLBI, NIAID, NICHD, NIEHS, NIMHD).

IMPLEMENTATION OF ACTION PLAN

Through the release of this *Action Plan*, the President's Task Force on Environmental Health Risks and Safety Risks to Children commits to the federal coordination, collaboration and communication that will be necessary for realizing the full impact of the activities outlined in this plan.

While some actions are already underway, complete implementation of this plan will require ongoing collaboration and monitoring among federal agencies. The plan will be implemented incrementally and will evolve, dependent on the availability of resources, to encompass new activities, translate research findings into policy and public health interventions, and leverage emerging opportunities for collaboration and coordination among federal agencies.

The Asthma Disparities Working Group established an organizational structure to support progress for each of the strategies in this plan. The key organizations that have been listed for the action items within each strategy will comprise a strategy group. These groups will be responsible for coordinating specific activities to advance each action. The groups will develop specific implementation plans with performance metrics and timelines for the implementation of actions. The groups will report to an Asthma Disparities Working Group Coordinating Team which will meet at least semi-annually to oversee implementation of the *Action Plan* and report to the Task Force Steering Committee.

This *Action Plan* lays out a framework for implementation activities over the next three-five years. Progress from individual activities will be documented semi-annually and made publically available at www.epa.gov/childrenstaskforce

Conclusion

A multi-level approach is required to address racial and ethnic disparities in asthma. Coordinated federal action will be necessary to achieve this, but is not sufficient by itself. Professional societies, non-governmental organizations and foundations with a focus on asthma; state and local governments; school associations; health care providers and insurers; and community asthma coalitions share a concern about asthma disparities. Many organizations already have programs targeting different aspects of the problem and have provided insights that shaped this *Action Plan*. All of them can contribute essential perspectives and services to share in its implementation. Each strategy group will identify specific opportunities to engage non-federal partners in implementing the *Action Plan*.

The time is now promising: there is a federal focus on health disparities that this *Action Plan* will leverage. The Affordable Care Act, the HHS Disparities Action Plan to Reduce Racial and Ethnic Disparities, the National Stakeholder Strategy for Achieving Health Equity, and the EPA, HHS and HUD environmental justice strategic plans signify broad senior leadership and commitment across federal agencies to make reducing disparities a federal priority. The blueprint presented here turns planning into action.

APPENDIX A: ASTHMA DISPARITIES WORKING GROUP

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Department of Health and Human Services	
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APPENDIX B: HEALTHY PEOPLE 2020

The *Action Plan* supports the following Healthy People 2020 objectives (for full text of the Healthy People 2020 objectives, see www.healthypeople.gov).

Access to Health Services	
AHS-5	Increase the proportion of persons who have a specific source of ongoing care.
AHS-6	Reduce the proportion of individuals who are unable to obtain or delay in obtaining necessary medical care, dental care or prescription medicines.
Education and Community-based Programs	
ECBP-1	Increase the proportion of preschool Early Head Start and Head Start programs that provide health education to prevent health problems in the following areas: unintentional injury; violence; tobacco use and addiction; alcohol and drug use; unhealthy dietary patterns; and inadequate physical activity, dental health and safety.
ECBP-5	Increase the proportion of the nation's elementary, middle and senior high schools that have a full-time registered school nurse.
ECBP-10	Increase the number of community-based organizations (including local health departments, tribal health services, nongovernmental organizations and state agencies) providing population-based primary prevention services.
Environmental Health	
EH-3	Reduce air toxic emissions to decrease the risk of adverse health effects caused by airborne toxics.
EH-13	Reduce indoor allergen levels: cockroach, mouse.
EH-16	Increase the proportion of the nation's elementary, middle and high schools that have official school policies and engage in practices that promote a healthy and safe physical school environment.
Health Communication and Health Information Technology	
HC/HIT-1	(Developmental) Improve the health literacy of the population.
Maternal, Infant and Child Health	
MICH-11	Increase abstinence from alcohol, cigarettes and illicit drugs among pregnant women.
MICH-18	Reduce postpartum relapse of smoking among women who quit smoking during pregnancy.
Respiratory Disease	
RD-1	Reduce asthma deaths.
RD-2	Reduce hospitalizations for asthma.
RD-3	Reduce hospital emergency department visits for asthma.
RD-4	Reduce activity limitations among persons with current asthma.
RD-5	Reduce the proportion of persons with asthma who miss school or work days.
RD-6	Increase the proportion of persons with current asthma who receive formal patient education.
RD-7	Increase the proportion of persons with current asthma who receive appropriate asthma care according to National Asthma Education and Prevention Program (NAEPP) guidelines.
RD-8	Increase the numbers of states, territories and the District of Columbia with a comprehensive asthma surveillance system for tracking asthma cases, illness and disability at the state level.
Tobacco Use	
TU-6	Increase smoking cessation during pregnancy.
TU-11	Reduce the proportion of nonsmokers exposed to secondhand smoke.
TU-14	Increase the proportion of smoke-free homes.
TU-15	Increase tobacco-free environments in schools, including all school facilities, property, vehicles and school events.

APPENDIX C: HIGHLIGHTS OF PRIORITY COORDINATED FEDERAL ACTIONS

Strategy 1:

Reduce barriers to the implementation of guidelines-based asthma management.

Priority Actions* (see *Action Plan* for more details):

- CDC, CMS, EPA and NIH (NHLBI) will explore strategies to expand access to asthma care services.
- AHRQ, CDC, CMS, EPA, HRSA, HUD and NIH (NHLBI, NICHD, NIMHD) will coordinate existing federal programs in health care settings in underserved communities to improve the quality of asthma care.
- CDC, CPSC, DOE, EPA, HUD and USDA will expand their collaborative efforts to reduce environmental exposures in homes.
- ACF, AHRQ, CDC, CPSC, ED, EPA, HRSA and NIH (NHLBI, NICHD, NIEHS) will implement asthma care services and reduce environmental exposures in schools and child care settings, using existing federal programs in collaboration with private sector partners.

Strategy 2:

Enhance capacity to deliver integrated, comprehensive asthma care to children in communities with racial and ethnic asthma disparities.

Priority Actions* (see *Action Plan* for more details):

- AHRQ, CDC, CMS, DOE, ED, EPA, HUD, HRSA, all other HHS agencies and NIH (NHLBI, NICHD, NIEHS, NIMHD, NINR) will promote cross-sector partnerships among federally supported, community-based programs targeting children who experience a high burden of asthma.
- CDC, CPSC, DOT, EPA, HUD and NIH (NIEHS) will collaborate to protect children from health risks due to short- and long-term exposure to air pollutants by promoting tools such as the Air Quality Index and EnviroFlash, and supporting communities in their efforts to address sustainable transportation; school siting, new construction, renovations, repairs, operations and maintenance; and public awareness.
- ACF, AHRQ, CDC, EPA, HRSA, HUD and NIH (NHLBI, NIAID, NICHD, NIEHS, NIMHD) will conduct research to evaluate models of partnerships that empower communities to identify and target disparate populations and provide comprehensive, integrated care at the community level.
- ACF, AHRQ, CDC, EPA, HRSA, HUD and NIH (NHLBI, NIEHS, NIMHD) will examine the relative contribution and cost-effectiveness of different components of a system-wide partnership program.

** Key organizations involved are listed in alphbetical order.*

Strategy 3:

Improve capacity to identify the children most impacted by asthma disparities.

Priority Actions* (see *Action Plan* for more details):

- CDC, EPA, HRSA and NIH (NHLBI, NIAID, NIEHS) will investigate the added value of emerging technologies to enhance identification of target populations and risk factors.
- AHRQ, CDC, CPSC and NIH (NHLBI, NIAID, NICHD, NIEHS) will promote standardization of definitions, measures, outcomes and information/data collection methods, and will maximize availability and use of collected data across federal asthma programs.
- CDC, EPA and HRSA will promote standard definitions, measures, outcomes and information/data collection methods in state, local and community settings.

Strategy 4:

Accelerate efforts to identify and test interventions that may prevent the onset of asthma among ethnic and racial minority children.

Priority Actions* (see *Action Plan* for more details):

- ACF, CDC, EPA, HUD and NIH (NICHD) will reduce exposure to maternal smoking and environmental tobacco smoke (ETS; also known as secondhand smoke) among pregnant women and infants.
- DOE, EPA, HUD and NIH (NHLBI, NIAID, NICHD, NIEHS, NIMHD) will establish priorities and collaborations for research across federal agencies to test interventions that may prevent the onset of asthma and reduce disparities in the incidence of asthma.
- EPA and NIH (NHLBI, NIAID, NICHD, NIEHS, NIMHD) will coordinate asthma research programs across federal agencies that support observational follow-up of birth cohorts.

** Key organizations involved are listed in alphabetical order.*

ACKNOWLEDGEMENTS

The Asthma Disparities Working Group would like to acknowledge the contributions made by staff members of the following organizations in meetings and telephone conference calls during the preparation of this report. Their thoughtful suggestions improved the focus and feasibility of the *Action Plan*, and helped us reach out to include more federal partners.

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Department of Health and Human Services *(continued)*	
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GLOSSARY OF TERMS

Built Environment: The built environment includes all of the physical parts of where we live and work (e.g., homes, buildings, streets, open spaces and infrastructure).

Community Guide Recommendations: The Task Force on Community Preventive Services recommends the use of home-based, multi-trigger, multicomponent interventions with an environmental focus for children and adolescents with asthma based on evidence of effectiveness in improving asthma symptoms and reducing the number of school days missed due to asthma. (http://www.cdc.gov/asthma/interventions/community_guide.html)

Disparities: Differences in health outcomes that are closely linked with social, economic and environmental disadvantages. (http://www.minorityhealth.hhs.gov/npa/templates/content.aspx?lvl=1&lvlid=33&ID=285)

HHS/NAEPP Guidelines: NAEPP Expert Panel Report: Clinical guidelines for the diagnosis and management of asthma. The guidelines are issued by the National Asthma Education and Prevention Program (NAEPP) of the National Heart, Lung, and Blood Institute (NHLBI) and the Department of Health and Human Services (HHS); the guidelines are also updated periodically. (http://www.nhlbi.nih.gov/guidelines/asthma/)

Integrated Pest Management (IPM): IPM relies on a combination of current, comprehensive and common-sense practices to manage pest damage and impacts by the most economical means, and with the least possible hazard to people, property and the environment. (http://www.epa.gov/pesticides/factsheets/ipm.htm)

Key Clinical Activities for Quality Asthma Care: A joint publication by the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) that provides guidance on the essential components of asthma management for purchasers and payers of health services. (http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5206a1.htm)

Social Determinants of Health: The conditions in which people are born, grow, live, work and age, including the health system. (http://www.who.int/social_determinants/en/)

LIST OF ACRONYMS

ACF	Administration for Children and Families
AHRQ	Agency for Healthcare Research and Quality
CDC	Centers for Disease Control and Prevention
CMS	Centers for Medicare and Medicaid Services
CPSC	Consumer Product Safety Commission
DOE	Department of Energy
DOT	Department of Transportation
ED	Department of Education
EPA	Environmental Protection Agency
HHS	Department of Health and Human Services
HRSA	Health Resources and Services Administration
HUD	Department of Housing and Urban Development
NHLBI	National Heart, Lung and Blood Institute
NIAID	National Institute of Allergy and Infectious Diseases
NICHD	National Institute of Child Health and Human Development
NIEHS	National Institute of Environmental Health Sciences
NIH	National Institutes of Health
NIMHD	National Institute on Minority Health and Health Disparities
NINR	National Institute of Nursing Research
USDA	Department of Agriculture

www.epa.gov/childrenstaskforce

EPA Proposes Clean Air Standards for Harmful Soot Pollution

Cheryl Mackay to: 06/15/2012 10:39 AM

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Below and attached are the press release and fact sheet for today's announcement on the soot (PM2.5) proposal. Please contact me with questions. Thanks.

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fsoverview.pdf

FOR IMMEDIATE RELEASE
June 15, 2012

EPA Proposes Clean Air Standards for Harmful Soot Pollution

99 percent of U.S. counties projected to meet proposed standards without any additional actions

WASHINGTON – In response to a court order, the U.S. Environmental Protection Agency (EPA) today proposed updates to its national air quality standards for harmful fine particle pollution, including soot (known as PM2.5). These microscopic particles can penetrate deep into the lungs and have been linked to a wide range of serious health effects, including premature death, heart attacks, and strokes, as well as acute bronchitis and aggravated asthma among children. A federal court ruling required EPA to update the standard based on best available science. Today's proposal, which meets that requirement, builds on smart steps already taken by the EPA to slash dangerous pollution in communities across the country. Thanks to these steps, 99 percent of U.S. counties are projected to meet the proposed standard without

any additional action.

EPA's proposal would strengthen the annual health standard for harmful fine particle pollution (PM2.5) to a level within a range of 13 micrograms per cubic meter to 12 micrograms per cubic meter. The current annual standard is 15 micrograms per cubic meter. The proposed changes, which are consistent with the advice from the agency's independent science advisors, are based on an extensive body of scientific evidence that includes thousands of studies – including many large studies which show negative health impacts at lower levels than previously understood. By proposing a range, the agency will collect input from the public as well as a number of stakeholders, including industry and public health groups, to help determine the most appropriate final standard to protect public health. It is important to note that the proposal has zero effect on the existing daily standard for fine particles or the existing daily standard for coarse particles (PM10), both of which would remain unchanged.

Thanks to recent Clean Air Act rules that have and will dramatically cut pollution, 99 percent of U.S. counties are projected to meet the proposed standards without undertaking any further actions to reduce emissions.

Meanwhile, because reductions in fine particle pollution have direct health benefits including decreased mortality rates, fewer incidents of heart attacks, strokes, and childhood asthma, these standards have major economic benefits with comparatively low costs. Depending on the final level of the standard, estimated benefits will range from $88 million a year, with estimated costs of implementation as low as $2.9 million, to $5.9 billion in annual benefits with a cost of $69 million – a return ranging from $30 to $86 for every dollar invested in pollution control. While EPA cannot consider costs in selecting a standard under the Clean Air Act, those costs are estimated as part of the careful analysis undertaken for all significant regulations, as required by Executive Order 13563 issued by President Obama in January 2011.

The Clean Air Act requires EPA to review its standards for particle pollution every five years to determine whether the standards should be revised. The law requires the agency to ensure the standards are "requisite to protect public health with an adequate margin of safety" and "requisite to protect the public welfare." A federal court ordered EPA sign the proposed particle pollution standards by June 14, 2012, because the agency did not meet its five-year legal deadline for reviewing the standards.

EPA will accept public comment for 63 days after the proposed standards are published in the Federal Register. The agency will hold two public hearings; one in Sacramento, CA. and one in Philadelphia, PA. Details on the hearings will be announced shortly. EPA will issue the final standards by December 14, 2012.

More information: http://www.epa.gov/pm

Brendan Gilfillan

The National Ambient Air Quality Standards

OVERVIEW OF EPA'S PROPOSAL TO REVISE THE AIR QUALITY STANDARDS FOR PARTICLE POLLUTION (PARTICULATE MATTER)

- On June 14, 2012, the U.S. Environmental Protection Agency (EPA) proposed to strengthen the National Ambient Air Quality Standards (NAAQS) for fine particle pollution, also known as fine particulate matter ($PM_{2.5}$). The agency also proposed to retain the existing standards for coarse particle pollution (PM_{10}).

- An extensive body of scientific evidence shows that exposure to particle pollution causes premature death and is linked to a variety of significant health problems, such as increased hospital admissions and emergency department visits for cardiovascular and respiratory problems, including non-fatal heart attacks. PM also is linked to the development of chronic respiratory disease.

- People most at risk from fine and coarse particle pollution exposure include people with heart or lung disease (including asthma), older adults, children, and people of lower socioeconomic status. Research indicates that pregnant women, newborns, and people with certain health conditions, such as obesity or diabetes, also may be more susceptible to PM-related effects.

- Particle pollution also causes haze in cities and some of our nation's most treasured national parks.

- Fine particles come from a variety of sources, including vehicles, smokestacks and fires. They also form when gases emitted by power plants, industrial processes, and gasoline and diesel engines react in the atmosphere. Sources of coarse particles include road dust that is kicked up by traffic, some agricultural operations, construction and demolition operations, industrial processes and biomass burning. Emission reductions from EPA rules already on the books will help states meet the proposed revised standards by making significant strides toward reducing fine particle pollution. These include clean diesel rules for vehicles, rules to reduce pollution from power plants and rules to reduce pollution from stationary diesel engines.

- For fine particles, today's proposal would:
    - **Strengthen the annual health standard** for fine particles by setting the standard at a level within the range of 12 micrograms per cubic meter ($\mu g/m^3$) to 13 $\mu g/m^3$. The current annual standard, 15 $\mu g/m^3$, has been in place since 1997.

- **Retain the existing 24-hour fine particle standard**, at 35 $\mu g/m^3$. EPA set the 24-hour standard in 2006.
- **Set a new, separate fine particle standard to improve visibility**, primarily in urban areas. EPA is proposing two options for this 24-hour standard, at 30 deciviews or 28 deciviews. (A deciview is a yardstick for measuring visibility.)
- **Retain existing secondary standards** for $PM_{2.5}$ and PM_{10} identical to primary standards to provide protection against other effects, such as ecological effects, effects on materials, and climate impacts.
- EPA's proposed changes to the fine particle standards are consistent with advice from its independent science advisors, the Clean Air Scientific Advisory Committee (CASAC).

- **For coarse particles, today's proposal would retain the existing 24-hour standard.** This standard, with a level of 150 $\mu g/m^3$, has been in place since 1987.
- EPA examined thousands of studies as part of this review of the standards, including hundreds of new studies published since EPA completed the last review of the standards in 2006. The new evidence includes more than 300 new epidemiological studies, many of which report adverse health effects even in areas that meet the current $PM_{2.5}$ standards. EPA also considered analyses by agency experts, along with input CASAC, which provided comments at several points throughout the review process..
- As part of EPA's commitment to a transparent, open government, the agency will seek and encourage broad public input in setting this standard that provides critical health protection to millions of Americans.
- The Clean Air Act requires EPA to review the particle pollution standards every five years. The proposed revisions, which are a result of that review, also respond to a court remand of two of the existing $PM_{2.5}$ standards, which were issued in 2006.

<u>More details about the proposed standards</u>

- The proposal also addresses several issues related to the proposed standards. Among them:
  - To ensure a smooth transition to the new standards., EPA is proposing to grandfather <u>preconstruction permitting</u> applications that have made substantial progress through the review process at the time the final standards are issued;
  - The agency is proposing <u>updates and improvements to the nation's $PM_{2.5}$ monitoring network</u> that include relocating a small number of monitors to measure fine

particles near heavily traveled roads. EPA proposal does not require additional monitors.

- In addition, the proposal would update the Air Quality Index (AQI) for particle pollution.

- EPA anticipates making attainment/nonattainment designations by December 2014, with those designations likely becoming effective in early 2015.

- States would have until 2020 (five years after designations are effective) to meet the proposed health standards. Most states are familiar with this process and can build off work they are already doing to reduce pollution to help them meet the standards.

- A state may request a possible extension to 2025, depending on the severity of an area's fine particle pollution problems and the availability of pollution controls.

- The Clean Air does not specify a date for states to meet secondary PM2.5 standards; EPA and states determine that date through the implementation planning process. The same controls that will be installed to meet the primary, health-based standards will also help areas meet the secondary standards. In 2020, we expect virtually all counties will meet the secondary standards without state/local reductions.

- By law, EPA cannot consider costs in setting or revising national ambient air quality standards. However, to inform the public, EPA analyzes the benefits and costs of implementing the standards as required by Executive Order 12866 and guidance from the White House Office of Management and Budget.

- EPA will issue a regulatory impact analysis that estimates the potential benefits and costs of meeting a revised annual health standard in the year 2020. The proposed standards are expected to yield significant health benefits, valued at $2.3 billion to $5.9 billion annually for a proposed standard of 12 $\mu g/m^3$ and $88 million to $220 million annually for a proposed standard of 13 $\mu g/m^3$ – a return of $30 to $86 for every dollar invested in pollution control. Estimated costs of implementing the proposal are $69 million for a proposed standard of 12 $\mu g/m^3$ and $2.9 million for a proposed standard of 13 $\mu g/m^3$.

- EPA will take comment on the proposed rules for nine weeks (63 days) after the proposal is published in the Federal Register. The Agency will hold two public hearings, in Philadelphia and Sacramento, Calif. Details will be announced in a separate notice.

- EPA will issue final standards by Dec. 14 2012.

FOR MORE INFORMATION

- To read the proposed standards and additional summaries, visit http://www.epa.gov/airquality/particlepollution/actions.html

Embargoed until 2 pm: EPA Approval of E15 Misfueling Mitigation Plans (MMPs)

Cheryl Mackay to: 06/15/2012 01:47 PM

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Today EPA has approved the first plans for satisfying the misfueling mitigation conditions of the E15 partial waivers.

With these MMP approvals, EPA has acted on each of the Clean Air Act steps required to bring E15 to market. Some companies have now met all Clean Air Act requirements related to E15 and may introduce E15 into the marketplace. It should be noted, however, that other state and local requirements may also need to be addressed.

The following website is expected to be updated at approximately 2 pm:

http://www.epa.gov/otaq/regs/fuels/additive/e15/

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EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

Cheryl Mackay to: 06/25/2012 01:41 PM

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See below for a news brief and fact sheet regarding the proposed reconsideration of our cement standards. The pre-publication version of the proposal is on the web at: http://www.epa.gov/ttn/oarpg/ramain.html . Please contact me if you have questions. Thanks. --Cheryl

EPA Proposes Updates and Deadline Extension for 2010 Cement Standards

Proposal would maintain significant air toxic reductions, while making cost-effective changes to provide greater flexibility for industry

WASHINGTON — In response to a federal court ruling and data from industry, the U.S. Environmental Protection Agency (EPA) is proposing changes to its 2010 air standards for the Portland cement manufacturing industry. The proposal would continue the significant emission reductions from the 2010 standards while providing industry additional compliance flexibilities, including more time to implement the proposed updates by extending the compliance date for existing cement kilns from September 2013 to September 2015.

In December 2011, the U.S. Court of Appeals for the D.C. Circuit determined that EPA's standards were legally sound, but asked the agency to account for rules finalized after the cement standards were issued. The proposed updates to certain emissions limits, monitoring requirements and compliance timelines – which are expected to result in additional cost savings for industry - are being made in response to this court remand and petitions for reconsideration of EPA's 2010 final rule, which will dramatically cut emissions of mercury, particle pollution, and other air toxics from cement production.

Based on new technical information, EPA is proposing to adjust the way cement kilns continuously monitor for particle pollution and would set new particle pollution emissions limits and averaging times to account for these changes. The proposed rule would not apply to kilns that burn non-hazardous solid waste; those kilns would be covered by other standards. The proposed extended compliance date would allow industry to reassess their emission control strategies in light of the proposed changes to the PM limits and monitoring methods.

EPA will accept comment on the proposed changes for 30 days after the proposal is published in the Federal Register. The agency will hold a public hearing if requested to do so. EPA will finalize the rule by December 20, 2012.

Cement.Proposal Fact Sheet.6.25.12 FINAL.pdf

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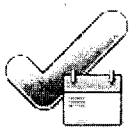

Accepted: conversation re RICE proposal: EPA and House Natural Resources (Markey) staff

Tue 06/26/2012 2:00 PM - 3:00 PM

Location: call: 1-866-299-3188, code 202 564 2786

Michal.Freedhoff@mail.house.gov "Freedhoff, Michal" has accepted this meeting invitation	
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PROPOSED AMENDMENTS TO AIR TOXICS STANDARDS AND NEW SOURCE PERFORMANCE STANDARDS FOR PORTLAND CEMENT MANUFACTURING

FACT SHEET

OVERVIEW OF ACTION

- On June 22, 2012, the U.S. Environmental Protection Agency (EPA) proposed amendments to two 2010 air rules for Portland cement manufacturing.

- The proposed amendments would adjust the way cement kilns continuously monitor particulate matter (PM) emissions, would adjust certain emissions limits and would extend the compliance deadline for existing kilns. EPA is making the proposed changes in response to a federal court decision and petitions for reconsideration. EPA issued the proposed amendments today under a settlement agreement with the cement industry.

- Today's proposal would retain several key air toxics emission limits in the 2010 rules, including limits for mercury, hydrochloric acid and total hydrocarbons. These limits will dramatically cut emissions of these harmful pollutants from cement production.

- Today's proposal applies to two rules the agency issued in August 2010: air toxics standards for new and existing cement kilns, and new source performance standards (NSPS) for new kilns.

- Based on new technical information, EPA is proposing to make changes to the methods for particulate matter (PM), along with changes to the PM emission limits that would be necessary with the monitoring change. Kilns would still be required to continuously monitor PM emissions under today's proposed amendments, which are not expected to have a significant impact on PM reductions from the final rule.

- In addition, today's proposal would:

    - Extend the compliance date for existing kilns under the air toxics standard by two years from September 2013 to September 2015. The agency believes additional compliance time is warranted to allow the cement industry to reassess its emission control strategies in light of the proposed changes to the PM limits and monitoring methods. EPA is seeking comment on the length of the proposed compliance extension.

    - Revise the open clinker pile standards from the 2010 final rule by allowing facilities to choose from a list of work practices to control fugitive emissions. The work practices would apply to any open clinker piles, regardless of the quantity of clinker or the length of time that the clinker pile exists.

    - Change the alternative emission limit for organic air toxics; kilns may meet this limit in lieu of meeting a limit for total hydrocarbons.

- Portland cement manufacturing is an energy-intensive process that grinds and heats a mixture

of raw materials such as limestone, clay, sand and iron ore in a rotary kiln. That product, called clinker, is cooled, ground and then mixed with a small amount of gypsum to produce cement.

- A variety of pollutants are emitted from the burning of fuels and heating of raw materials. Emissions also can occur from grinding, cooling and materials-handling steps in the manufacturing process.

- In developing the proposed air toxics limits, EPA excluded data from cement kilns that burn non-hazardous solid waste. Those kilns would be subject to another proposed rule, the proposed emission standards for Commercial/Industrial Solid Waste Incinerators.

- EPA will accept comment on the proposed changes for 30 days after the proposal is published in the Federal Register. The agency will hold a public hearing if requested to do so.

PROPOSED EMISSIONS LIMITS

- Today's amendments apply to two rules for the cement industry: air toxics standards, and new source performance standards. The table below shows the emission limits for air toxics in the 2010 rules and the proposed changes:

Emission limit for:	2010 Limits for Existing Source Kilns	Proposed Limits for Existing Source Kilns	2010 Limits for New Source Kilns*	Proposed Limits for New Source Kilns *
Mercury *(major and area sources)*	55 pounds per million tons of clinker, averaged over 30 days	55 pounds per million tons of clinker, averaged over 30 days	21 pounds per million tons of clinker, averaged over 30 days	21 pounds per million tons of clinker, averaged over 30 days
Total Hydrocarbons *(major and area sources)*	24 parts per million by volume (ppmv), averaged over 30 days	24 ppmv, averaged over 30 days	24 ppmv, averaged over 30 days	24 ppmv, averaged over 30 days
Particulate Matter (as a surrogate for toxic metals other than mercury) *(major and area sources)*	0.04 pounds per ton of clinker, averaged over 30 days	0.07 pounds per ton of clinker, three-run stack test	0.01 pounds per ton of clinker, averaged over 30 days	0.02 pounds per ton of clinker, three-run stack test
Hydrochloric acid (major sources only)	3 ppmv, averaged over 30 days	3 ppmv, averaged over 30 days	3 ppmv, averaged over 30 days	3 ppmv, averaged over 30 days
* New Source limits apply to all cement kilns built after June 16, 2008.				

BACKGROUND

- On August 6, 2010, EPA issued amendments to two rules that will significantly reduce emissions of mercury and other air toxics and particle-forming pollutants from new and existing Portland cement kilns across the United States. The rules also will limit emissions of ozone and particle-forming pollutants from new kilns.

- EPA's amended *air toxics standards* will reduce air emissions of mercury, non-dioxin organic air toxics (measured as total hydrocarbons), hydrochloric acid and non-mercury toxic metals (measured as particulate matter) from both new and existing cement kilns. The rules apply both to "major" and "area" source kilns that emit toxic air pollutants. Air toxics, also known as hazardous air pollutants, are known or suspected to cause cancer or other serious health effects.

- A "major source" of air toxics emits 10 or more tons a year of a single air toxic, or 25 or more tons of a combination of air toxics. Sources emitting lesser amounts are known as "area sources."

- Following publication of the 2010 rules in the Federal Register, EPA received four petitions for reconsideration. The petitions were filed by: Earthjustice; the Portland Cement Association and several companies; Eagle Materials; and the Natural Resources Defense Council. The agency agreed to reconsider several of the issues raised in the petitions and denied others.

- On December 9, 2011, U.S. Court of Appeals for the D.C. Circuit found that EPA's emission standards for the cement industry were legally sound, but remanded the rules to EPA to account for rule proposed before the cement standards we issued. The court stayed the standards for open clinker piles, which EPA was in the process of reconsidering. As a result of the December 2011 court ruling, EPA also reconsidered the cement kiln, clinker cooler and raw materials dryer emission limits in the 2010 rule.

HOW TO COMMENT

- EPA will take written comment on the proposed standards for 30 days after the proposal is published in the Federal Register. The Agency also will hold a public hearing if requested.
- There are multiple ways to submit written comments on the proposal. To ensure EPA receives your comments, identify them with this Docket ID number: **EPA-HQ-OAR-2011-0817**. Then submit them by any of the following methods:
  - **Go to** www.regulations.gov and follow the on-line instructions for submitting comments.
  - **Send comments by e-mail** to a-and-r- Docket@epa.gov, Attention Docket ID No. **EPA-**HQ-OAR-2011-0817.

- **Fax your comments** to: 202-566-1741, Attention Docket ID. No. HQ-OAR-2011-0817.
- **Mail your comments** to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 6102T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460, Attention Docket ID No. HQ-OAR-2011-0817.
- **Deliver comments in person** to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, D.C. Note: In person deliveries (including courier deliveries) deliveries are only accepted during the Docket's normal hours of operation. Special arrangements should be made for deliveries of boxed information

TO READ THE PROPOSED RULE AND OTHER INFORMATION:

- **Visit EPA's website** at: http://www.epa.gov/ttn/oarpg/ramain.html to read the rule and fact sheets summarizing today's proposal.
- Other places to read the proposed rule and background information (use Docket ID No. EPA- HQ-OAR-2011-0817):
  - **EPA's electronic public docket and comment system** at http://www.regulations.gov.
  - **The EPA Docket Center's Public Reading Room** (for hard copies).
    - The Public Reading Room is located at EPA Headquarters, Room Number 3334 in EPA West Building, 1301 Constitution Avenue, NW, Washington,
    - DC. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding federal holidays.
    - You will have to show photo identification, pass through a metal detector, and sign the EPA visitor log. Any materials you bring with you will be processed through an X-ray machine as well. You will be provided a badge that must be visible at all times.
- Additional technical information on Portland cement manufacturing is available at http://www.epa.gov/ttn/atw/pcem/pcempg.html.
- For further technical information about the rule, contact Sharon Nizich of EPA's Office of Air Quality Planning and Standards at (919) 541-2825 or nizich.sharon@epa.gov .

EPA announcement on RFS waiver request

Cheryl Mackay to: 08/20/2012 02:27 PM

michael.beckerman, maryam.brown, mary.neumayr, david.mccarthy, heidi.king,
Bcc: anita.bradley, michael.weems, james.thomas, cory.hicks, chris.sarley,
grant.culp, "carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

From: Cheryl Mackay/DC/USEPA/US

To:

Bcc: michael.beckerman@mail.house.gov, maryam.brown@mail.house.gov, mary.neumayr@mail.house.gov, david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov, michael.weems@mail.house.gov,

Please see the below announcement and let me know if you have questions. Thanks.

EPA Statement:

In 2007, Congress passed the Energy Independence and Security Act, which sets renewable fuel volume targets for the United States annually. EPA has the authority to grant a full or partial waiver if certain predetermined criteria are met.

Today, EPA is issuing a Federal Register notice opening a 30-day public comment period on requests from the Governors of Arkansas and North Carolina to waive the Renewable Fuel Standard requirements. This notice is in keeping with EPA's commitment to an open and transparent process to evaluate requests the agency receives under the Clean Air Act, and does not indicate any predisposition to a specific decision. The statute provides the Agency with 90 days in which to make a decision.

Additional Information:

EPA has received petitions from a number of states as well as requests for action from industry and members of Congress. The agency has received and acted on similar petitions in the past, following the same Clean Air Act process.

The Energy Independence and Security Act of 2007 updated renewable fuel volume targets. Congress has also given EPA the authority to include provisions that allow the EPA Administrator to grant a full or partial waiver if implementation would severely harm the economy or environment of a state, region, or the entire country, or if EPA determines that there is inadequate domestic supply of renewable fuel. In consultation with the Departments of Agriculture and Energy, EPA must decide on a waiver request within 90 days of receiving it. EPA and its federal partners continue to closely monitor the drought's impacts on crop supplies. The total renewable fuel mandate for 2012 is the equivalent of 15.2 billion gallons.

Cheryl A. Mackay
U.S. EPA
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Step 3 Final Rule Fact Sheetclean.pdf

Tailoring Rule announcement

Cheryl Mackay to: 07/03/2012 10:54 AM

Cc: Jacqueline Silvers
maryam.brown, mary.neumayr, david.mccarthy, heidi.king, anita.bradley,
Bcc: michael.weems, james.thomas, cory.hicks, chris.sarley, grant.culp,
"carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

From: Cheryl Mackay/DC/USEPA/US

To:

Cc: Jacqueline Silvers/DC/USEPA/US@EPA

Bcc: maryam.brown@mail.house.gov, mary.neumayr@mail.house.gov, david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov, michael.weems@mail.house.gov, james.thomas@mail.house.gov,

Yesterday EPA finalized step 3 of the GHG Tailoring Rule:

Consistent with its common-sense, phased-in approach to greenhouse gas (GHG) permitting under the Clean Air Act, EPA will not revise the applicability thresholds for the Prevention of Significant Deterioration (PSD) and Title V Operating Permit programs currently in effect under the GHG Tailoring Rule. EPA believes that state permitting authorities have not had sufficient time to develop necessary program infrastructure and increase their GHG permitting expertise, to make it administratively feasible to apply PSD and title V permitting requirements to additional sources. By the same token, EPA and the state permitting authorities have not had the opportunity to develop and implement streamlining approaches.

EPA also is finalizing changes to plantwide applicability limits (PALs) for GHGs that will streamline GHG permitting by making PALs work for GHGs the way they work for other pollutants. A PAL is an emissions limit applied sourcewide rather than to specific emissions points. With a PAL, a source can make changes to the facility without triggering PSD permitting requirements as long as emissions do not increase above the limit established by the PAL. These changes will allow:

1. GHG PALS to be established on a CO2e basis;
2. a facility to obtain a GHG PAL while maintaining minor source status for other regulated pollutants; and
3. a facility to rely upon a GHG PAL to determine if PSD permitting requirements have been triggered. The facility would avoid PSD permitting requirements as long as it maintains emissions below its GHG PAL.

The fact sheet is attached. Please let me know if you have questions.

Cheryl A. Mackay
U.S. EPA
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letter
Freedhoff, Michal to: Cheryl Mackay 06/28/2012 01:34 PM

From: "Freedhoff, Michal" <Michal.Freedhoff@mail.house.gov>
To: Cheryl Mackay/DC/USEPA/US@EPA

Letter-from-Romney-to-Pataki-RGGI.pdf

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

July 21, 2003

Governor George E. Pataki
State Capitol
Albany, NY 12224

Dear Governor Pataki,

Thank you for your invitation to embark on a cooperative northeast process to reduce the power plant pollution that is harming our climate. I concur that climate change is beginning to effect on our natural resources and that now is the time to take action towards climate protection. Furthermore, I share your interest in ensuring that the economic and security contributions made by our electricity generating system are not negated by the impact of emissions from that system on the health of our citizens.

As you may know, the Commonwealth is making major strides to reduce the environmental impact of our power plants. Specifically, I am making good on my pledge to clean up the six oldest and dirtiest power plants in the state and to bring them up to new plant standards for NO_x, SO_x, mercury and CO_2. We are the first state to enact a cap on CO_2, implementing regulations that, by 2008, will reduce these emissions by 10%, removing 6,750 tons of CO_2 per day. Furthermore, Massachusetts, along with the other New England states and Canadian provinces, has a target of reducing greenhouse gases and improving the efficiency of the grid substantially over the next 20 years.

I believe that our joint work to create a flexible market-based regional cap and trade system could serve as an effective approach to meeting these goals. I am ready to have my staff work with yours to explore how we might design such a system - one that would keep the cost of compliance as low as possible, diversify our fuels, encourage energy efficiency and renewables, and keep our energy dollars in the region. Thank you for your initiative in proposing this project.

Sincerely,

Mitt Romney

EMBARGOED press release: EPA sets bio-based diesel volumes for 2013

Cheryl Mackay to: 09/14/2012 11:42 AM

Bcc: greg.dotson, alexandra.teitz, Alison.Cassady, jeff.baran, katie.murtha, michal.freedhoff, ana.unruhcohen, emily.khoury, tuley.wright, johnm, casey.fromson, brian.skretny, travis.osen-foss, lindsay.mosshart, jamie.lockhart,

From: Cheryl Mackay/DC/USEPA/US

To:

Bcc: greg.dotson@mail.house.gov, alexandra.teitz@mail.house.gov, Alison.Cassady@mail.house.gov, jeff.baran@mail.house.gov, katie.murtha@mail.house.gov, michal.freedhoff@mail.house.gov, ana.unruhcohen@mail.house.gov,

This press release is embargoed until it becomes public at around 1:00 or 2:00 today. Please let me know if you have questions. Thanks.

EPA sets bio-based diesel volumes for 2013

WASHINGTON -- The U.S. Environmental Protection Agency (EPA) today took action to establish the amount of biodiesel products required to be included in diesel fuel markets in 2013. Biobased diesel products are advanced biofuels that are derived from sources that include vegetable oils and wastes oils from renewable sources.

"This action, which meets goals designated by Congress, is another step that strengthens America's energy security by reducing dependence on foreign oil," said EPA Administrator Lisa P. Jackson.

EPA's action sets the 2013 volume at 1.28 billion gallons under the Energy Independence and Security Act of 2007 (EISA) which established the second phase of the Renewable Fuel Standards program. EISA specifies a one billion gallon minimum volume requirement for the biomass-based diesel category for 2012 and beyond.

The law also calls on EPA to increase the volume requirements after consideration of environmental, market, and energy-related factors. Today's final action follows careful review of the many comments and additional information received since EPA proposed the volume last spring.

More information:

http://www.epa.gov/otaq/fuels/renewablefuels/regulations.htm

http://www.epa.gov/otaq/fuels/renewablefuels/index.htm

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EMBARGOED UNTIL 11AM- RFS waiver decision

Cheryl Mackay to: 11/16/2012 10:34 AM

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Bcc: michael.weems, james.thomas, cory.hicks, chris.sarley, grant.culp,
"carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

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michael.weems@mail.house.gov, james.thomas@mail.house.gov,

Today EPA will announce the Administrator's decision to deny the requests for a waiver of the Renewable Fuels Standard. Our press release is below. It is embargoed until 11am today. Please let me know if you have questions. Thanks.

Cheryl A. Mackay
U.S. EPA
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EPA Keeps Renewable Fuels Levels in Place After Considering State Requests

WASHINGTON---The U.S. Environmental Protection Agency (EPA) today announced that the agency has not found evidence to support a finding of severe "economic harm" that would warrant granting a waiver of the Renewable Fuels Standard (RFS). The decision is based on economic analyses and modeling done in conjunction with the U.S. Department of Agriculture (USDA) and U.S. Department of Energy (DOE).

"We recognize that this year's drought has created hardship in some sectors of the economy, particularly for livestock producers," said Gina McCarthy assistant administrator for EPA's Office of Air and Radiation. "But our extensive analysis makes clear that Congressional requirements for a waiver have not been met and that waiving the RFS will have little, if any, impact."

To support the waiver decision, EPA conducted several economic analyses. Economic analyses of impacts in the agricultural sector, conducted with USDA, showed that on average waiving the mandate would only reduce corn prices by approximately one percent. Economic analyses of impacts in the energy sector, conducted with DOE, showed that waiving the mandate would not impact household energy costs.

EPA found that the evidence and information failed to support a determination that implementation of the RFS mandate during the 2012-2013 time period would severely harm the economy of a State, a region, or the United States, the standard established by Congress in the Energy Policy Act of 2005 (EPAct).

EPAct required EPA to implement a renewable fuels standard to ensure that transportation fuel sold in the United States contains a minimum volume of renewable fuel. A waiver of the mandate requires EPA, working with USDA and DOE, to make a finding of "severe economic harm" from the RFS mandate itself.

This is the second time that EPA has considered an RFS waiver request. In both cases, analysis concluded that that the mandate did not impose severe harm. In 2008, the state of Texas was denied a waiver.

More information: http://www.epa.gov/otaq/fuels/renewablefuels/index.htm

FYI: EPA Proposes to Update the Mercury and Air Toxics Standards for New Power Plants

Cheryl Mackay to: 11/19/2012 10:07 AM

maryam.brown, mary.neumayr, david.mccarthy, heidi.king, anita.bradley,
Bcc: michael.weems, james.thomas, cory.hicks, chris.sarley, grant.culp,
"carson.middleton@mail.house.gov", robin.colwell, nathan.rea,

From: Cheryl Mackay/DC/USEPA/US

To:

Bcc: maryam.brown@mail.house.gov, mary.neumayr@mail.house.gov, david.mccarthy@mail.house.gov, heidi.king@mail.house.gov, anita.bradley@mail.house.gov, michael.weems@mail.house.gov, james.thomas@mail.house.gov,

On November 16, 2012, EPA proposed to update emission limits for new power plants under the Mercury and Air Toxics Standards (MATS). The updates would only apply to future power plants; would not change the types of state-of-the-art pollution controls that they are expected to install; and would not significantly change costs or public health benefits of the rule.

The public will have the opportunity to comment for 30 days after publication in the Federal Register and at a public hearing in Washington DC if one is requested.

More in the attached fact sheet and at http://www.epa.gov/mats/actions.html

MATS recon factsheet.pdf

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FACT SHEET

PROPOSED UPDATES OF THE LIMITS FOR NEW POWER PLANTS UNDER THE MERCURY AND AIR TOXICS STANDARDS (MATS)

ACTION

- On November 16, 2012, the Environmental Protection Agency (EPA) proposed to update emission limits for new power plants under the Mercury and Air Toxics Standards (MATS). This includes emission limits for mercury, particulate matter (PM), acid gases and certain individual metals.

- The new proposed standards affect only new coal- and oil-fired power plants that will be built in the future. The proposal does not change the final emission limits for existing power plants.

- The proposed update continues to ensure that the rules will protect all Americans from dangerous pollutants such as mercury. The proposed limits are achievable and are consistent with the requirements of the Clean Air Act (CAA).

- New power plants will use the same types of state-of-the-art control technologies to meet these proposed standards as they would have used under the previously finalized standards.

- The agency reconsidered the new source limits for MATS based on new information and analysis that became available to the agency after the rule was finalized.

- The proposed updates are calculated from data about the emissions rates achieved by the best performing source for each of the air toxics or surrogates. The calculated limits remain very low and will still require new power plants to be among the most modern and cleanest ever built.

- We project that these proposed updates will result in no significant change in costs, emission reductions or health benefits from MATS.

- EPA is also proposing to revise and clarify requirements that apply during periods of startup and shutdown in MATS and startup and shutdown for particulate matter in the Utility New Source Performance Standards (NSPS), and is proposing other minor technical corrections.

- As part of the routine, open and transparent rulemaking process EPA will accept comment on the proposal for 30 days after publication in the Federal Register, and if a public hearing is requested, EPA plans to hold one on December 18, 2012, in Washington, DC.

- EPA will issue a final reconsideration in March of 2013.

BACKGROUND

- On December 16, 2011, the EPA Administrator signed the final MATS and Utility NSPS rulemakings, and these were published in the Federal Register on February 16, 2012.

- Following publication of the rules, EPA received 20 petitions for reconsideration of the MATS and 4 for reconsideration of the Utility NSPS.

- On July 20, 2012, EPA sent a letter to petitioners stating that the Agency was granting reconsideration of certain new source issues. Among other things, petitioners said EPA did not use all of the data in the record to set certain air toxics standards for new sources, did not base the SO_2 standard on a regulated utility unit, and finalized startup and shutdown provisions that the public did not have an opportunity to review and provide comment on.

HOW TO COMMENT

- EPA will accept comment on the proposal for 30 days after publication in the Federal Register. Comments on the proposed revisions to the mercury and air toxics standards should be identified by Docket ID No. EPA-HQ-OAR-2009-0234. Comments on the proposed Utility NSPS revisions should be identified by Docket ID No. EPA-HQ-OAR-2011-0044. All comments may be submitted by one of the following methods:
    - www.regulations.gov: Follow the on-line instructions for submitting comments.
    - E-mail: Comments may be sent by electronic mail (e-mail) to a-and-r-Docket@epa.gov.
    - Fax: Fax your comments to: 202-566-1741.
    - Mail: Send your comments to: Air and Radiation Docket and Information Center, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave., NW, Washington, DC, 20460.
    - Hand Delivery or Courier: Deliver your comments to: EPA Docket Center, Room 3334, 1301 Constitution Ave., NW, Washington, DC, 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

- If anyone requests a public hearing within 10 days of the proposal being published in the Federal Register, EPA will hold one on December 18, 2012, in Washington, DC.

FOR MORE INFORMATION

- The proposed reconsideration is posted at: http://www.epa.gov/mats/actions.html and http://www.epa.gov/ttn/atw/utility/utilitypg.html.

- For further information about the notice, contact Mr. William Maxwell of EPA's Office of Air Quality Planning and Standards, Sector Policies and Programs Division, Energy Strategies Group at (919) 541-5430 or by email at maxwell.bill@epa.gov.